



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-36106-2025(O&M)

Date of decision: 08.09.2025

Dhruv

...Petitioner

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Nandan Jindal, Advocate and
Mr. Abhinandan Jindal, Advocate;
Mr. Tushar Sabherwal, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition is the fourth petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in FIR bearing No.261 dated 15.10.2022, registered under Section(s) 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Section(s) 25/27-A/61/85 of the NDPS Act and Section 201 of IPC added later on) at Police Station STF, SAS Nagar (Mohali).

2. Briefly stated, the present case came to be registered against co-accused Lucky Kang and another on the basis of secret information received by the investigating agency. The said information disclosed that Lucky Kang and his nephew, Karan, had been engaged in the illicit trade of heroin for a considerable period of time. It was further revealed that Lucky Kang had been conducting such illegal business in association with Bhupinder Singh



@ Sonu Kangla. The information further suggested that Lucky Kang and Sonu Kangla had met at village Mustarapur, Kalanaur, District Gurdaspur, wherefrom Lucky Kang obtained a substantial quantity of heroin from Bhupinder Singh @ Sonu Kangla. The said contraband was thereafter delivered to his nephew, Karan, who in turn sold the same and transmitted the drug proceeds to one Gopi Giani, described as a close associate of Sonu Kangla. It also came to light that Abhishek Sharma @ Shainky, who runs a hotel at Cheel Mandi, Amritsar, was actively associated with Sonu Kangla in the narcotics trade. He is alleged to have financially assisted Sonu Kangla by investing large sums of money into the illicit business, deriving substantial unlawful gains therefrom, and further utilising the proceeds of crime to acquire immovable properties and luxury vehicles. It was additionally reported that Gopi Giani, a close aide of Bhupinder Singh @ Sonu Kangla, had been released from jail in recent days. The information suggested that if Sonu Kangla and Gopi Giani were apprehended, vital leads could be obtained regarding Lucky Kang and Karan, thereby facilitating the apprehension of other members of the narcotics syndicate.

3. Learned counsel for the petitioner contends that the present case is one with a chequered history, particularly in relation to the subsequent implication of the petitioner. It is submitted that the proceedings commenced upon receipt of a secret information in October, 2022, wherein certain other accused persons, including Gurpreet Singh @ Gopi Giani, were initially



nominated as accused. The same was followed by a series of disclosure statements recorded on 20.10.2022, 25.10.2022, 05.08.2023, 06.08.2023 and 07.08.2023. It is further contended that in the disclosure statement dated 07.08.2023, accused Gurpreet Singh @ Gopi Giani claimed to have sold heroin to one Bhupinder Singh @ Sonu Kangla, and further alleged that 1½ kg of heroin had been sold to one Bagga Khan @ Buta Khan, son of Raldu Khan. On the basis of the said disclosure, a raid was conducted at the stud farm of Bhupinder Singh @ Sonu Kangla, from where 500 grams of heroin was allegedly recovered at the instance of Gurpreet Singh @ Gopi Giani. It is argued that in a subsequent disclosure, Gurpreet Singh @ Gopi Giani alleged that Bhupinder Singh @ Sonu Kangla was engaged in the narcotics trade in association with the petitioner. The petitioner was thereafter taken into custody on 11.09.2023. Learned counsel emphasises that no recovery of any nature whatsoever was effected either from the possession of the petitioner or at his disclosure. It is further submitted that the petitioner's name surfaced only after multiple and belated disclosure statements of Gurpreet Singh @ Gopi Giani, nearly one year after the initial disclosures. He submits that the petitioner is a young boy of 19 years of age, with no prior criminal antecedents. He has already undergone an actual custody of 01 year, 11 months, and 21 days. Despite the charges having been framed on 20.05.2024, only one prosecution witness has been examined, out of the total 23 cited. It is highlighted that the last bail application of the petitioner was



dismissed on 07.11.2024, but the trial has not made any headway since.

4. Learned counsel for the respondent-State, on the other hand, submits that the petitioner has been actively engaged in the illicit drug trade and has participated in concert with the co-accused. It is argued that substantial quantities of contraband, as well as proceeds of drug money, have been recovered from or through the co-accused, thereby establishing the petitioner's role as part of an organised cartel. He however is not in position to dispute that the petitioner has undergone an actual custody of more than 01 year, 11 months and he is no involved in any other case. He also does not dispute that only one prosecution witness has been examined thus far, and that even the examination-in-chief of the second witness remains incomplete, the material witness having already stood examined.

5. Having heard the learned counsel for the parties and taking into consideration the period of actual custody being more than 01 year, 11 months and 21 days, absence of recovery from or at the instance of the petitioner, absence of respondents state to refer to any direct evidence establishing his nexus with the co-accused engaged in the alleged drug trade, the stage of trial as well as the absence of criminal antecedent and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to her furnishing bail/surety



bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

08.09.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No