



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239+242

Date of decision: 05.08.2025

1. CRM-M-31671-2025

SAGAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

2. CRM-M-36125-2025

HARMINDER SINGH ALIAS HARRY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

3. CRM-M-36638-2025

RAJPAL @ SETHI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. R.K. Saini, Advocate
for the petitioner in CRM-M-31671-2025.

Mr. Veneet Sharma, Advocate
for the petitioner in CRM-M-36125-2025.

Mr. P.S. Ahluwalia, Advocate
for the petitioner in CRM-M-36638-2025.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. This order shall dispose of three petitions i.e. CRM-M-31671-2025, CRM-M-36125-2025 and CRM-M-36638-2025, as the same have emanated out of the same occurrence.



2. Petitioners-HARMINDER SINGH ALIAS HARRY and SAGAR have filed the present petition i.e. CRM-M-36125-2025 and CRM-M-31671-2025 under Section 483 of BNSS, seeking grant of regular bail in case FIR No.22 dated 21.01.2025, under Sections 21-C, 25 and 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 201 of IPC, 1860 registered at Police Station Special Task Force (STF), District STF Wing, SAS Nagar (Mohali).

3. Petitioner-Rajpal @ Sethi has filed the present petition i.e. CRM-M-36638-2025 under Section 483 of BNSS, seeking grant of regular bail in case FIR No.22 dated 21.01.2025, under Sections 21-C, 25 and 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 309(4) and 191(3) read with Sections 190 of BNS registered at Police Station Anti Narcotics Task Force (STF), SAS Nagar.

4. To understand the involvement of the accused and recoveries effected from them, relevant facts are noticed from the order dated 12.05.2025, passed by the Co-ordinate Bench of this Court in CRM-M-16156-2025.

5 (i) (1) Harjinder Singh @ Ajay and (2) Harmanjeet Singh @ Harry were arrested on 22.01.2025 and alleged recovery of 263 grams heroin alongwith Rs. 5,60,000/- (drug money) was effected from Scooter (Activa), on which they were travelling.

(ii) During investigation, on the basis of disclosure made by above accused, four other persons were nominated in this case and which are as under:

- 1) Harminder Singh @ Harry;
- 2) Tanush Setia;
- 3) Saurav Mahajan; and
- 4) Harbhej Singh @ Bheja.

(iii) Above Tanush Setia was arrested on 22.01.2025 and during investigation, alleged drug money to the tune of Rs. 23,00,000/- was recovered from him.

(iv) On the same day, Harminder Singh @ Harry and Saurav Mahajan were arrested and alleged recovery of Rs. 24,50,000/- alongwith currency counting machine, one Motorcycle Make 'Bullet' and a car was effected from them.



(v) On 23.01.2025, above Harminder Singh @ Harry nominated two other persons i.e. (1) Vinod Kumar @ Nona and (2) Harish Kumar @ Hari.

(vi) On 24.01.2025, above said Harmanjeet Singh @ Harry nominated two other persons viz:

a) Sagar from whom Activa Scooter and Rs.5,00,000/- were allegedly recovered;

b) Lovedeep Singh @ Lala from whom 160 grams heroin is alleged to have been recovered.

(vii) On 17.03.2025, after receipt of some other secret information, one Sunil @ Amit Bansal as well as present petitioner-Ashok Kumar Sharma were nominated and on 18.03.2025, alleged recovery of 20,000 Euro, 10,000 British Pound and 10,020 Canadian Dollars was effected from his residence at Phagwara.

(viii) On 18.03.2025, petitioner allegedly nominated five other persons i.e. (1) Vipin Sidana, (2) Rajesh Kumar @ Bobby, (3) Manoj Sharma @ Goga (brother of petitioner), (4) Rajnish @ Bunty (another brother of petitioner) and (5) Sahil Preet.

(ix) In this way, as on today, there are total 17 accused arraigned in the present case.

6. Status report(s) dated 04.08.2025 by way of an affidavit(s) of Ravisher Singh, PPS, Deputy Superintendent of Police, Anti-Narcotics Task Force, Border Range Amritsar have been filed on behalf of respondent-State. The same are taken on record.

7. In the instant case there are total 18 accused and name of accused Rajpal Sethi (petitioner herein) was nominated on the basis of disclosure statement of co-accused Sunil @ Amit Bansal.

8. Petitioner's counsel points out that on conducting the chemical examination, the recovered heroin of 263 grams was not actually found to be heroin and this fact has been admitted by respondent-State in para 20 of the said status report, wherein it is mentioned that the content of the Diacetylmorphine (heroin) could not be deducted in the content of the envelope. For reference para No.20 of the said status report is reproduced hereunder:-

“That thereafter, another drug sample was sent to FSL for chemical examination and the report No. 178/2025/Toxi/RTFSL/ASR/PB dated



12.05.2025 was received and upon analyzing the same it was found by the board of doctors those who have chemical examined the aforesaid drug sample, it was analyzed that the content of the "Diacetylmorphine (Heroin) could not be deducted in the content of the envelope. However, Dextmethorphan has been found present in the content of the envelope."

9. From the possession of the petitioner, namely Harinder Singh @ Harry, cash amounting to Rs. 24,50,000/-, along with one money counting machine, a Bullet motorcycle, and a car, was recovered. From the possession of petitioner Rajpal @ Sethi, Indian as well as foreign currency amounting to Rs. 22 lakhs, along with one mobile phone, was recovered and from the possession of petitioner-Sagar one activa scooter and Rs.5 lakhs were recovered during investigation.

Thus, additionally it is also argued that neither any narcotic drugs or contraband has been recovered from any of the three petitioners mentioned hereabove, nor there is any evidence collected during investigation, creating any connectivity of the recovered cash amount with the narcotic/drug business. Qua one of the accused namely Ashok Kumar Sharma, proceedings have already been quashed, by declaring his arrest as illegal, vide order dated 12.05.2025, passed in CRM-M-16156-2025.

10. One of the accused namely Vinod Kumar, whose name was also disclosed in the disclosure statement of co-accused, nothing was recovered from him and he has been granted the concession of bail by this Court in CRM-M-22621-2025, vide order dated 25.07.2025.

11. On the other hand, learned State counsel is unable to controvert any of the factual submissions apprized by petitioners' counsel or even nothing has been highlighted to show that the documents referred by the petitioners' counsel are not applicable for considering the plea of bail of the petitioners.

The investigation *qua* all of the accused is complete and thereupon final report was submitted on 18.07.2025 and the process of recording of statement is yet to start.

12. After hearing learned counsel for the parties and perusing the relevant material on record and the documents appended, including the earlier orders



passed by this Court.

13. *Prima facie* it appears that it will be heavily upon the prosecution firstly to prove that the contraband recovered in the case (allegedly heroin) is covered under the NDPS Act.

Admittedly, neither any drug nor any narcotic contraband has been recovered from any of the petitioners, who are seeking bail through the instant petitions. The recovered cash amount and the activa scooter etc. are yet to be linked with the drug/narcotic business.

14. Taking into consideration the circumstances, facts/allegations levelled against the petitioners, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioners.

Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

15. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

16. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

17. Petitions stand disposed of.

18. A photocopy of this order be placed on the files of the connected cases.

05.08.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No