



**243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34745-2025

Date of decision : 10.07.2025

Jatinder Singh @ Goti

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. B.B.S. Randhawa, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.20 dated 06.05.2025, under Sections 21/29/61/85 of NDPS Act, registered at Police Station Mattewal, District Amritsar.

2. Succinctly the facts of the case are that the police party while on patrolling on 06.05.2025, saw a young man coming from the street on seeing the police threw a packet taking out from the right pocket of his trouser. On suspicion, he was apprehended, who on asking, disclosed his name as Gurjantpal Singh @ Ravi. He was suspected to be carrying some contraband in the packet thrown by him and thus, on giving the offer to be searched, search was conducted and from that pocket 10 grams of heroin was recovered. He failed to produce any licence for possession of the contraband and thus, FIR was registered and he was arrested on the spot. On registration of FIR, investigation commenced. During investigation, he made a disclosure statement on the same day itself regarding complicity of the petitioner that the contraband recovered from him was supplied by Jatinder Singh @ Goti (present petitioner) and thus, he was also arrayed as



an accused in the present case and thereafter he was arrested on 30.05.2025. Thereafter, the petitioner approached the Ld. Judge, Special Court, Amritsar, for grant of bail, however, after hearing both the sides, the same was declined by the Learned Judge, Special Court, Amritsar vide order dated 24.06.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was implicated in the present case only on the basis of disclosure statement of the co-accused, which is not even an admissible evidence. He submits that even otherwise the recovery effected from the co-accused was 10 grams of heroin, which is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. He submits that the recovery made from the co-accused is in violation of Section 50 NDPS Act. He thus, submits that from the facts and circumstances of the case, it is apparent that the petitioner has been falsely roped in the present case. He submits that co-accused, namely, Gurjantpal Singh @ Ravi, from whom the alleged recovery was effected, has already been enlarged on bail by trial Court. He has submitted that though the petitioner is involved in 03 more cases, however, in the FIR under the Excise Act, he is on probation, whereas in FIR for the offence under Section 22 of the NDPS Act, he has been released on bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner is a habitual offender. He submits that the complicity of the petitioner was found during investigation and he was found to be the supplier of the contraband recovered from the co-accused, however, he



has not denied the factum that from whom the recovery is made, has already been enlarged on bail. He has produced the custody certificate of the petitioner on record. He has further submitted that the case is under investigation.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was named in the present case only on the basis of disclosure statement made by the co-accused from whom the contraband of 10 grams of heroin was recovered. Co-accused, has already been granted bail by the trial Court. As per custody certificate, it is apparent that though the petitioner is involved in 03 more cases, however, as submitted, in the Excise cases, he is already on probation whereas in the cases under the NDPS Act, he is on bail.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.07.2025
ps-I

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