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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

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CRM-M-39691-2024 (O&amp;M)

Date of decision: 10.03.2025

**Balraj Singh @ Kaka****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ashish Aggarwal, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. This petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No. 298 dated 31.12.2023, registered under Sections 21, 21-C, 23, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 25, 25(6)(7)(8) of the Arms Act, 1959 at Police Station Islamabad, District Police Commissionerate Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 31.12.2023, on receiving a secret information that Sandeep Singh @ Laddi, Roshan Singh, Manpreet Singh @ Monu are indulged in smuggling of narcotic substance and illegal weapons with the Pakistani smugglers and that on the said date, aforesaid Sandeep Singh @ Laddi and Roshan Singh were waiting for someone while riding in car bearing

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registration number ***PB-06-BB-4064***, they were apprehended by a police party headed by SI Paramjit Singh. On conducting their personal search as well as search of the car, 19 kgs. of heroin, one pistol of 9 MM with 06 live cartridges, one country made pistol of .32 bore with 06 live cartridges and one computerized weighing scale were recovered. Both of them were formally arrested at the spot. During the course of investigation, on the disclosure of accused Sandeep Singh @ Laddi, recovery of some more illegal arms and ammunition along with drug money of Rs. 15 Lakhs was effected. During the course of investigation, on 07.01.2024, in furtherance of disclosure statement suffered by co-accused Sandeep Singh @ Laddi, the Investigating Officer apprehended Anmol Singh @ Hira @ Lalu, Sarabjit Singh @ Hira and the present petitioner Balraj Singh @ Kaka on the basis of a secret information, while they were coming in a car bearing registration number PB-08-X-8000. On conducting search of the car, recovery of 3.5 kgs. of heroin and 19 live cartridges was effected from them. All of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 20.04.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was neither named in the FIR nor his name has surfaced in the disclosure statements suffered by the co-accused. The petitioner has no connection with co-accused Anmol Singh @ Hira @ Lalu and Sarabjit Singh @ Hira and his presence with them has

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falsely been shown by the police. In fact, he was picked up from his house. He is not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioner is in custody since 07.01.2024. No useful purpose would be served by keeping him in custody anymore. Even otherwise, co-accused Satpal Singh @ Satta and Rajpal Singh have already been granted concession of regular bail by this Court. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Punjab, in terms of the status report which is available on record, has opposed the prayer of the petitioner by arguing that in furtherance of disclosure statement suffered by co-accused Sandeep Singh @ Laddi and on the basis of a secret information, the petitioner along with co accused Anmol Singh @ Hira @ Lalu and Sarabjit Singh @ Hira was apprehended when they were coming in the aforesaid car and recovery of 3.5 kgs. of heroin and 19 live cartridges was effected from them. This quantity of the contraband alone falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The cases of the aforesaid co-accused, who have been granted concession of regular bail by this Court, are on different footing. Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

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6. The quantity of the contraband allegedly recovered from the petitioner and other two co-accused obviously falls within the ambit of commercial quantity. Apart from this, a huge quantity of contraband has also been recovered from co-accused Sandeep Singh @ Laddi and Roshan Singh. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. No doubt, co-accused Satpal Singh @ Satta and Rajpal Singh have been granted concession of regular bail by this Court but their cases cannot be said to be at par with the present petitioner as no recovery was effected from them, whereas the petitioner was found in possession of aforesaid contraband and live cartridges along with co-accused. Keeping in view the discussion as made above, the quantity of the contraband recovered from the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

**10.03.2025***Waseem Ansari***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*