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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41728-2025
Decided on : 10.11.2025

Harshjot Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sahil Puri, Advocate (through V.C.)
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harshjot Singh	71	09.05.2025	21, 27-A, 29 of NDPS Act, 1985 and 25 of Arms Act	Division No. 1	Jalandhar

2. As per the allegations recorded in the FIR, on seeing the police party, the main accused – Ajay Kumar @ Ajay – took out one polythene carry bag from the left pocket of his lower and threw it to one side. He was apprehended by the police on suspicion and, upon inquiry, disclosed his name and other particulars. From the polythene carry bag, 50 grams of heroin was allegedly recovered.

After the arrest of the main accused Ajay Kumar @ Ajay, a



disclosure statement was recorded vide DDR No. 04 dated 10.05.2025, wherein he named co-accused Karan as the supplier of the said heroin.

The next day, i.e. on 11.05.2025, another disclosure statement was made by the same accused, in which he stated that he was also procuring heroin from co-accused Gurpreet Singh. Pursuant to this, Gurpreet Singh was arrested on 12.05.2025, and from his possession 301 grams of heroin, one pistol, and eight live cartridges were recovered.

Co-accused Gurpreet Singh thereafter made another disclosure statement, stating that he and co-accused Vijay Singh had together brought 500 grams of heroin, and that the remaining quantity was in possession of Vijay Singh. Consequently, vide DDR No. 03 dated 12.05.2025, Vijay Singh was nominated as an accused and was arrested on 06.06.2025. Although nothing was recovered from Vijay Singh's possession, based on his disclosure statement, the name of the present petitioner – Harshjot Singh @ Harsh – was also involved in the case. Upon his arrest on 07.06.2025, a recovery of 10 grams of heroin was shown to have been effected from his possession.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is argued that the alleged recovery of 10 grams of heroin is a planted recovery, shown merely to justify his implication based on the disclosure statement of co-accused Vijay Singh, from whom nothing was recovered. The petitioner, who was already known to the members of the police team, has been unnecessarily roped into the same FIR by allegedly bifurcating the heroin already recovered from the other accused.



4. Learned counsel further argues that once no recovery was made from the possession of co-accused Vijay Singh, any further disclosure made by him could not have been relied upon to implicate the petitioner. At best, such disclosure could have led to the registration of a separate FIR, requiring independent investigation. The prosecution, however, has continued to array the petitioner as an accused in the FIR originally registered against Ajay Kumar @ Ajay, i.e. FIR No. 71 dated 09.05.2025, which is legally impermissible.

5. It is further contended that the petitioner has been in custody since 07.06.2025, i.e. for the last about five months, for the alleged possession of 10 grams of heroin, which falls within the non-commercial quantity under the NDPS Act. Keeping the petitioner detained for an indefinite period, when investigation is already complete and challan has been presented, would serve no useful purpose. Therefore, learned counsel prays for the grant of concession of regular bail to the petitioner.

6. On the other hand, learned State counsel, while opposing the prayer for bail, submits that the present case involves the recovery of narcotic contraband, and keeping in view the gravity of the offence, petitioner does not deserve the concession of bail at this stage. Further submits that that petitioner's name surfaced during the course of investigation from the disclosure statement of co-accused Vijay Singh, and pursuant thereto, a recovery of 10 grams of heroin was effected from his possession.

However, learned State counsel fairly concedes that the petitioner has been in custody since 07.06.2025, for a period of about five



months, and except for the present case, he is not shown to be involved in any other similar offence. He also does not dispute that the investigation stands concluded and the challan has already been presented before the learned trial Court.

7. I have heard learned counsel for the parties and perused the material available on record. It is undisputed that the petitioner has been in custody for over five months, and the recovery attributed to him is 10 grams of heroin, which falls within the non-commercial quantity as per the NDPS Act. The petitioner's implication is primarily based on the disclosure statement of a co-accused, from whose possession no recovery was effected. The evidentiary value of such a disclosure, by itself, would be a matter for adjudication during trial.

This Court is also conscious that incarceration of the petitioner cannot be prolonged when investigation has been completed and the trial is likely to take considerable time to conclude. The petitioner is not alleged to have been previously involved in any similar offence, and there are no specific allegations of tampering with evidence or influencing witnesses.

8. In view of the totality of the circumstances, and without commenting on the merits of the case, this Court deems it appropriate to extend the concession of regular bail to the petitioner. Accordingly, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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.



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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

November 10, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No