

2025:PHHC:128691



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M No.41921 of 2025
Date of Decision: 15.09.2025

Sarwan Singh @ Samma ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
47	17.04.2024	Sujanpur, District Pathankot	21 and 27A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (29 of NDPS Act added later on)

2. As per the allegations, on 17.04.2024, a nakabandi was laid at the border area of Jammu & Kashmir/Punjab in Madhopur and checking of the vehicles which were passing through that area was conducted, an Innova vehicle bearing registration No.PB09V2824 was stopped and before checking of the said vehicle, the driver of the said

2025:PHHC:128691



vehicle was seen while throwing one polythene bag from his pocket. The same was checked and 15 grams of heroin was recovered from the same. The driver was apprehended. On asking, he disclosed his name as Gurjant Singh @ Ravi. The co-accused Simranjit Singh @ Nikka who was sitting on the non driving seat came out of the vehicle. One envelope containing cash amount of Rs.5 lakhs was recovered from him and he admitted that the same amount was drug money. Both the accused were interrogated and suffered disclosure statements on 20.04.2024 on the basis of which Harpal Singh @ Bitu Bhalwan and Jaspreet Singh were nominated as accused as they were the persons who were alleged to have supplied heroin to the above named accused. Then, on 25.04.2024, they again suffered disclosure statements wherein apart from the names of co-accused Harpal Singh @ Bitu Bhalwan, Jagjit Singh @ Raja, Jaspreet Singh, the name of Sarbjeet Singh @ Saba was taken by them, who was also nominated as accused.

3. As per the further allegations, on 27.04.2024, the accused Gurjant Singh suffered another disclosure statement to the effect that on 15.04.2024, the present petitioner had handed over cash amount of Rs.24 lakhs to him and accused Simranjit Singh for bringing heroin from Srinagar and that previously also, they had delivered 5 kgs. of contraband to him on receipt of Rs.5 lakhs. The petitioner was nominated as additional accused on the basis of this disclosure and was apprehended on 30.04.2024. Drug money to the tune of Rs.5 lakhs was recovered at his instance from his car and he disclosed that he had met accused Balwinder Singh @ Doni in jail.

2025:PHHC:128691



The said Balwinder Singh is now residing in USA and that the amount of Rs.24 lakhs had been got sent to him by Balwinder Singh and was given by him to Gurjant Singh and Simranjit Singh. In pursuance of disclosure statement suffered by accused Gurjant Singh and Simranjit Singh, 8.304 kg of heroin was recovered from fuel tank of the vehicle used by them on the day of occurrence. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and has been nominated on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. False recovery of cash amount of Rs.5 lakhs has been planted upon him and the said money has wrongly be alleged to be drug money. He is in custody since 30.04.2024. The investigation has concluded. Trial will take considerable time. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. It is, therefore, urged that he deserves to be released on bail.

5. Per contra, learned Assistant Advocate General, Punjab while controverting the contentions as raised by learned counsel for the petitioner and while relying upon the status report as filed by the respondent-State has argued that keeping in view the gravity of the allegations as levelled against the petitioner and his antecedents, he does not deserve to be released on bail. There are chances of petitioner's absconding or committing similar offences, if extended benefit of bail. It is, therefore, urged that the petition does not

2025:PHHC:128691



deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to be indulged in smuggling of narcotics. Huge quantity of contraband which is of commercial quantity as well as drug money has been recovered in this case. Recovery of an amount of Rs.5 lakhs as drug money has been stated to be effected from him. The petitioner is alleged to be indulged in the business of transporting of contraband from Srinagar to Punjab. He is a habitual offender since several cases under the provisions of NDPS Act and other different provisions have been registered against him. The allegations prima facie prove his complicity in the subject crime. The apprehension that he may commit similar offences or may abscond, if extended benefit of bail cannot be stated to be unfounded. Keeping in view the nature of the allegations as levelled against the petitioner, his antecedents and the above discussed facts, this Court is of the considered opinion that he does not deserve to be extended benefit of bail at this stage. Accordingly, the petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

15.09.2025
manju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No