

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2025:PHHC:153678



CRM-M-43237-2025 (O&M)
Date of decision: 07.11.2025.

MANJIT SINGH @ DHUI

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.72 dated 24.12.2024, under Section(s) 61(2) of the Bharatiya Nyaya Sanhita, 2023 (hereafter to be referred as 'BNS 2023'), under Sections 25/54 of the Arms Act, 1959 and under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station State Special Operations Cell, District Amritsar, Punjab.

2 Succinctly stated, the case of the prosecution is that police

received a secret information that Gurjeet Singh, Rajwinder Singh alias Raja son of Gurjeet Singh and Manjit Singh alias Dooi are in regular contact with Pakistani smugglers and are indulging in cross-border smuggling of heroin and weapons. Accordingly, a FIR under section 25 Arms Act and 61(2) BNS 2023 was registered. Applicant-accused Manjit Singh @ Dhui was apprehended on 24.12.2022 and from his possession one pistol 9 MM, alongwith magazine was recovered. Additionally, 4 live cartridges were also recovered whereas another pistol 30 bore was recovered alongwith 10 live cartridges from co-accused Gurjeet Singh. Juvenile Rajwinder Singh alias Raja who is also involved in the present case made disclosure statement to the police that he too is actively involved in this cross-border smuggling of heroin as well as weapons. His father Gurjeet Singh, Manjit Singh and he are in regular contact with Pakistani smugglers. During police custody, Gurjeet Singh made a disclosure statement regarding placing of heroin near the India-Pak border and at his instance, 516 gram heroin, which is a commercial quantity, was recovered on 30.12.2024. Subsequently, because of recovery of NDPS articles, sections 21, 25, 29, NDPS Act were invoked against accused. During investigation, involvement of Rajan alias Raja alias Goli was also found and he was nominated in the present case. During investigation and on disclosures of Rajan Singh alias Raja Goli, involvement of accused Rahul Singh alias Kaka was also found and he was nominated in the present case on 10.02.2025.

3 Learned counsel appearing for the petitioner contends that the petitioner has been falsely implicated in the aforesaid case. It is submitted that so far as the substantive case against the petitioner is concerned, the

same is only in relation to recovery of 9 m.m. pistol along with magazine and four live cartridges. It is submitted that so far as the recovery of 516 grams of heroin is concerned, the same is on a disclosure made by co-accused Gurjeet Singh and the involvement of the petitioner cannot be assumed as no recovery had been effected from the petitioner at the time of his apprehension. He contends that petitioner is not involved in any other case and as per the custody certificate placed on record, has already undergone an actual custody for a period of 10 months and 06 days. He submits that the trial has already commenced, however, no witness out of 33 witnesses cited by the prosecution has been examined so far.

4 On the other hand, State counsel submits that the FIR in question had been registered on the basis of a secret information received and the petitioner had been specifically named in the FIR. It was under such circumstances that the petitioner was apprehended and recovery of firearm was effected from him. He submits that commercial quantity of heroin had been recovered on disclosure made by co-accused hence, Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, had been invoked. He, however, does not dispute that the disclosure in the case was recorded at a later stage and recovery was effected pursuant to the said disclosure of co-accused. Besides, the petitioner is not involved in any other case and has already undergone an actual custody of more than 10 months.

5 Having heard the learned counsel for the parties and taking into consideration the facts noticed above; the stage of the trial i.e. no witness out of 33 witnesses cited by the prosecution has been examined so far; the period of custody undergone by the petitioner which is more than 10

months and that the recovery of the heroin was effected on a disclosure made by co-accused, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

November 07, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>