



CRM-M-44336-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44336-2025
Decided on : 19.12.2025

Baljinder Singh alias Billu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.
Mr. Jasdeep Singh Gill, Addl. A.G., Punjab

SANJAY VASHISTH, J. (ORAL)

1. Petitioner- Baljinder Singh, aged 36 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 49 dated 03.05.2025, registered under Sections 21-C, 27-A, 29 and 31 of the NDPS Act and Section 25 of the Arms Act, 1959, at Police Station 'C' Division, Amritsar.
2. On 27.10.2025, the following order was recorded:-

“(i) 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
Baljinder Singh @ Billu, about aged 36 years	49	03.05.2025	21-C, 27-A, 29 and 31 of the NDPS Act, and Section 25 of the Arms Act, 1959	'C' Division	Amritsar



(ii) FIR was registered against two accused, naming therein Vishal Kumar alias Billu and his uncle Amandeep Singh, as suspects, who are involved in the illegal business of narcotics. Both the accused were arrested on 03.05.2025 and during investigation, both suffered disclosure statements. Co-accused Vishal Kumar alias Billu, made a disclosure statement on 03.05.2025 to the effect that he along with his cousin/co-accused Amandeep Singh used to sell Heroin, procured at the instance of his brother Ajay Kumar, across the border. On demarcation of CRM-M-44336-2025-2 Vishal Kumar alias Billu, 340 grams of Heroin along with Rs. 4,100/- as drug money was recovered.

As per the subsequent disclosure statement, dated 06.05.2025, of co-accused Vishal Kumar @ Billu, Baljinder Singh @ Billu (petitioner herein) also used to purchase Heroin from him and Ajay Kumar. It is thereupon that petitioner has also been nominated as an accused. After arrest of the petitioner, on the basis of his disclosure statement, only one Digital Weighing Machine has been recovered, however, no contraband falling under the purview of the NDPS Act, has been recovered from his possession.

(iii) Learned counsel for the petitioner contends that primarily it would be moot question whether mere recovery of digital weighing machine would be sufficient to constitute an offence punishable under the NDPS Act. In fact, no offence alleged to have been committed by the petitioner because any weighing machine cannot be assumed of its functioning only for weighing the narcotic substance or drugs. Further argues that after completion of investigation, challan has already been submitted to the concerned Court, and the next date, i.e. 27.11.2025, has been fixed for framing of charges.

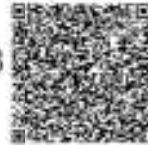
(iv) Hearing of the present petition is deferred to 10.12.2025.

To be heard alongwith CRM-M-42332-2025.

(v) Meanwhile, Trial Court would examine whether any offence is made out or not against the petitioner for violation of the provisions of the NDPS Act and whether sufficient material is available on record for charging the petitioner. 6.

(vi) Till next date of hearing, the petitioner is ordered to be released on interim 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.

(vi) Needless to observe that during the period of interim bail the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.”

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3. From paragraph No. 7 of the status report, learned State counsel on instructions from ASI Pritpal Singh, submits that name of the present petitioner was disclosed by co-accused Vishal Kumar alias Billu, stating therein that some of the part of the Heroin, was to be delivered to Baljinder Singh alias Billu, as most oftenly, he used to purchase Heroin from his brother Ajay Kumar. It was also disclosed that about 10 days back 30 grams of Heroin had been purchased by the petitioner-Baljinder Singh @ Billu from him (Vishal Kumar alias Billu) at the rate of 1600 per gram. Thus, submits that the instant petition is liable to be dismissed as present petitioner is actively involved in the sale and purchase of Heroin.

5. I have considered the submissions addressed by learned counsel for the parties and also gone through the record and the status report. Admittedly, no contraband such as Heroin etc. has been recovered from the possession of the petitioner, as already recorded only one digital weighing machine was recovered from his possession, therefore, definitely it is heavily upon the prosecution to prove the allegation of involvement of petitioner in the illegal business of sale and purchase of narcotic drugs/contraband. In case it fails in providing the said allegation, another issue requiring adjudication by the trial Court is whether possessing of the weighing machine would be construed as an offence or not punishable under the NDPS Act. The petitioner is inside jail since 05 months and 21 days and culmination of trial is likely to take considerable time.

6. 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.

6. However, it is clarified in case the petitioner is found indulged in any

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manner with the tempering of evidence alone or in connivance with other accused, he will have to face the consequences and may be the bail concession is withdrawn on the asking of the prosecution.

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

8. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

9. Petition stands disposed of.

December 19, 2025

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO