

2025.PHHC.171802



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-46396-2025

Date of decision: 9th December, 2025

Rajesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 109 dated 08.05.2025 registered under Sections 21(c), 23, 25 and 27(a) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') and Section 25(8) of Arms Act, 1959 (Section 29 of NDPS Act added later on) at Police Station City Tarn Taran, District Tarn Taran.

2. As per the allegations, on 08.05.2025, the accused Lovepreet Singh @ Love and Jagroop Singh were apprehended on the basis of a secret information. They were interrogated. The accused Lovepreet Singh suffered a disclosure statement admitting his involvement with the drug paddlers from

2025.PHHC.171802



Pakistan and got recovered 5kg and 23/125 grams of heroin and drug money to the tune of Rs. 7,20,000/- and 07 illicit pistols of 30 bore along with 11 magazines and 40 live cartridges was got effected. The accused Lovepreet Singh suffered another disclosure statement on 09.05.2025 on the basis of which the co-accused Sahilpreet Singh @ Sunny and Ajay Kumar @ Ajay were nominated as additional accused. On the basis of their disclosure statement, accused Jobanpreet Singh was nominated and arrested. Accused Lovepreet Singh suffered another disclosure statement on 13.05.2025 on the basis of which the present petitioner and co-accused Pargat Singh were nominated. The petitioner was arrested on the same day. One MG Hector car, drug money of Rs. 5,18,400/- and one laptop of Apple make were recovered from him. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. A false recovery has been planted upon him. He is in custody for a period of six months and twenty-two days. No contraband has been recovered from him. The alleged recovery of money cannot be stated to be recovery of any drug money. He is running a travel agency and has been depositing his income tax returns which show that he has steady income. Trial will take considerable time to conclude as even charges have not been framed. He has clean antecedents. His continued detention would not serve any useful purpose. It

2025.PHHC.171802



is, thus, argued that the petition deserves to be allowed.

4. It is argued by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. Accordingly, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to be indulged in the business of sale/purchase of contraband. Recovery of cash amount of Rs. 5,18,000/- has been alleged to be recovered from him which as per the prosecution was drug money. However, it is only on thorough assessment of the evidence to be produced before the trial Court during trial that any conclusion as to the fact that the money so recovered is drug money or not can be drawn and not at this stage. The provisions of Section 37 of NDPS Act are not attracted qua the petitioner. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Taking into consideration the above discussed facts and his clean antecedents but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds of two sureties to the satisfaction of the learned trial Court and further subject to giving details of his

2025.PHHC.171802



present/permanent address, cell phone number and Aadhar Card, at the time of furnishing bonds before the learned trial Court.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th December, 2025
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No