

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

2025:PHHC:117785



CRM-M-47128-2025 (O&M)

Date of decision: 01.09.2025.

ARSHDEEP SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

Present :- Mr. Sukhveer S. Killianwali, Advocate, and
Mr. Shamsheer Singh, 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.149 dated 05.12.2023, under Section(s) 21 (c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985; Section 201 of the Indian Penal Code, 1860 and Section 10, 11 and 12 of Aircraft Act, 1934, registered at Police Station Khalra, District Tarn Taran.

2 Briefly summarised, the facts of the present case are that a search operation was undertaken by police officials of police station Khalra and BSF and 304 grams of Heroin was recovered from the fields of Piara

Singh. The FIR was initially registered against unknown persons. Eventually on the basis of secret information, petitioner was arrayed as an accused. It is the case of the investigating agency that the recovered heroin was procured from smugglers in Pakistan. Consequently, DDR no. 41 dated 09.02.2024, the accused were named in the present FIR.

3 Learned counsel for the petitioner contends that the recovery in question has been effected from the fields of Piara Singh, who has no concern with the petitioner and there is no evidence reflecting association of the petitioner with Piara Singh. He further contends that the petitioner is not an accused in any other FIR of such or similar nature and has been nominated only on the basis of secret information. It is further contended that even though originally offences under Sections 10, 11 and 12 of Aircraft Act, 1934 had been mentioned, however, the same stand deleted. He contends that even though investigation in the case is complete, however, no evidence has been collected by the investigating agency on the basis whereof the recovery can be linked to the petitioner. He contends that as per custody certificate produced on record, the petitioner has undergone an actual custody for a period of 01 year, 06 months and 16 days and only 2 out of the 30 witnesses cited by the prosecution have been examined.

4 Learned State counsel, on the other hand, does not dispute the aforesaid factual aspects noticed above.

5 Having heard the learned counsel for the parties and taking into consideration the facts noticed above, the period of custody undergone by the petitioner i.e. 01 years, 06 months and 16 days; the stage of proceedings before the trial Court wherein only 02 witnesses out of the 30 prosecution

witnesses have been examined; the fact that recovery is from the fields of Piara Singh and that the petitioner has been named as an accused only on the basis of secret information, the present petition is allowed. The petitioner is ordered to be released on 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.

September 01, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No