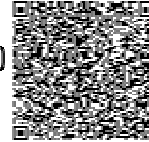


2025:PHHC:030500



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-50038-2024 (O&M)

Reserved on : 04.03.2025

Pronounced on : 05.03.2025

Sakatar Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. G. S. Bhatia, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*wrongly mentioned as 'Section 528 of BNSS in the petition'*) seeking regular bail in case bearing FIR No. 101 dated 05.09.2023, registered under Sections 21-C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Kathu Nangal, District Amritsar (Rural).

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 05.09.2023, a secret information was received to the effect that Harpreet Singh @ Lovely, who was involved in drug smuggling with Pakistan through drone and Raavi river, was coming in a car make Grand i-10 bearing registration number PB-02-EL-7922 from the side of Gurdaspur to sell heroin. Believing the information to be reliable, a barrier was laid at the

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informed place by a police party headed by SI Gopal Singh and aforesaid Harpreet Singh @ Lovely was apprehended while coming in the said car. On search of the car, recovery of 15 kgs. of heroin was effected. On interrogation, co-accused Harpreet Singh @ Lovely disclosed that he along with Gagandeep Singh @ Gaggu @ Haddi, Rahul Singh, Gagandeep Singh and Harpreet Singh @ Happy Jatt were involved in smuggling and sale of heroin. During the course of investigation, the aforesaid car was found to be registered in the name of one Gurwinder Singh. He was arrested on 29.09.2023. Co-accused Rahul Singh, who was already in custody in connection with a murder case, was formally taken into custody in the present case on 11.12.2023. On interrogation, he disclosed that petitioner Sakatar Singh and Sahil Singh were also involved with him in the subject offence and on his demarcation, 265 grams of heroin and 155.49 grams of gold was recovered from the house of co-accused Gagandeep Singh @ Gaggu, who was taken into custody in the present case as he was also already in custody with regard to a murder case. On the basis of the said disclosure, the petitioner was nominated in this as an accused and was arrested on 02.02.2024. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 01.04.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on

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the basis of disclosure statements suffered by co-accused. The petitioner was neither named in the FIR nor there is anything on record to connect him with the subject crime, except the disclosure statement suffered by the co-accused, which is not admissible in evidence. The petitioner has clean criminal antecedents. He is not involved in any other criminal case. No subsequent recovery was effected from him. Even otherwise, co-accused Gagandeep Singh, who was directly named by the main accused Harpreet Singh @ Lovely, from whom the contraband was recovered, has been granted concession of anticipatory bail by this Court, vide order dated 22.04.2024 passed in **CRM-M-11864-2024**. Even co-accused Shehbaz Singh @ Sunny @ Sehbaj Singh has been granted concession of regular bail by this Court, vide order dated 14.02.2025 passed in **CRM-M-29594-2024** by observing that it was *prima facie* established that he was picked from his house on 19.12.2023 and not from the place as alleged in the FIR. Hence, the false implication of the present petitioner also cannot be ruled out. Even otherwise, on the grounds of parity, the petitioner too deserves the benefit of bail. He is in judicial custody since 02.02.2024. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of the disclosure statement suffered by co-accused but during the course of investigation, his complicity was duly established. Recovery of an Activa

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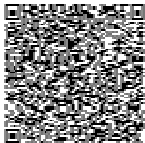


scooter was effected from him. The trial is going on at a proper pace. The petitioner is not entitled to get concession of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Rahul Singh with the allegations that the petitioner was also involved with him. Although, recovery of a scooter is shown to have been effected from the petitioner but no contraband whatsoever was recovered from him. He is not involved in any criminal case and has clean criminal antecedents. Even otherwise, co-accused Gagandeep Singh, who was directly named by the main accused Harpreet Singh @ Lovely, has been granted concession of anticipatory bail, whereas co-accused Shehbaz Singh @ Sunny @ Sehbaj Singh has been granted concession of regular bail by this Court, as mentioned above. The petitioner is in custody since 02.02.2024. Trial is likely to take time. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

05.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>