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

**CRM-M-47375-2025 (O&M)
Date of Decision: 02.09.2025**

Ajaypal Singh @ Ajay

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.144, dated 04.07.2025, under Sections 21/27-A/29 of NDPS Act, 1985, registered at Police Station Jandiala, District Amritsar.

2. Succinctly the facts of the case are that on 04.07.2025, at about 07-08:00 PM, the police party while on patrolling near PWD rest house, in the areas of Police Station Jandiala Guru, District Amritsar Rural, saw two persons standing on the side of the road. On seeing the police party, they got perplexed and one person among them took out a transparent polythene packet from the right pocket of his trouser and handed over to another person. They were apprehended by the police and were suspected to be carrying some contraband and thus, the offer was given. On conducting the search, 15 grams of Heroin from the transparent polythene bag and drug money of Rs.850/- were recovered. On asking,



they disclosed their names to be Varinder Singh @ Vicky and Palwinder Singh @ Bunty. They failed to produce any licence regarding the conscious possession of the same, thus, FIR was registered and both were arrested on the spot. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Resultantly, he was arrested on 06.07.2025. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 05.08.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that as per the case of prosecution, 15 grams of 'Heroin' has been allegedly recovered from co-accused Palwinder Singh @ Bunty on 04.07.2025. He has submitted that neither the petitioner was present at the time of occurrence nor any recovery had been effected from him. However, it has been submitted by learned counsel for the petitioner that the petitioner has been implicated only on the basis of disclosure statement of the co-accused on the allegation that the petitioner was the supplier of the contraband recovered from the co-accused. He has submitted that the recovery effected from the co-accused is also in violation of provisions of Section 50 of NDPS Act. He has submitted that there is no independent witness joined. He has submitted that even otherwise the disclosure statement of co-accused is not even an



admissible evidence. He has submitted that the alleged recovery of 15 grams of 'Heroin' is a non commercial quantity, thus, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner is behind bars since 06.07.2025. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that 15 grams of 'Heroin' was recovered from the co-accused and during investigation, he disclosed the name of the petitioner as an accused. He has produced custody certificate of the petitioner today in the Court and the same is taken on record. He has submitted that the petitioner is involved in 2 other cases under IPC. On instructions, he has submitted that the case of under investigation.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is arrayed as an accused on the basis of disclosure statement of co-accused. 15 grams of 'Heroin' was allegedly recovered from co-accused. Admittedly, the recovered contraband from the co-accused is a non-commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 01 month and 26 days as on 01.09.2025. It further reflects that the petitioner is involved in 2 other cases, however, he is not involved in any other case under NDPS Act.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take



sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within 7 days from today, then his further custody after one week will not be counted in this case.

02.09.2025

Geeta

(RAJESH BHARDWAJ)
JUDGE

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