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

**CRM-M No.49214 of 2025
Date of Decision: 19.11.2025**

Abhi Mahal @ Abhishek Raj Singh @ Abhiraj Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Joginder Pal Ratra, Advocate and
Mr. Aman Pratap Singh, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.58, dated 03.06.2023, under Sections 21(b), 27-A, 29 of NDPS Act, 1985 and Section 25 of Arms Act, registered at Police Station Dhariwal, District Gurdaspur.

2. Succinctly the facts of the case are that the police party, while on patrolling on 03.06.2023, saw two young persons coming on the motorcycle bearing registration No.PB-06A-4252 make Apache. On seeing the police, they got perplexed and tried to escape, however the motorcycle slipped and they fell down. On suspicion, they were apprehended by the police party. On asking, driver of the motorcycle disclosed his name to be Jaswinder Singh @ Prince, whereas the person riding pillion, disclosed his name to be Gurdeep Singh @ Nikka. They



were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of Gurdeep Singh @ Nikka, a polythene bag was recovered. Thus, on conducting the search of polythene bag, 150 grams of heroin and drug money amounting to Rs.30,200/- were recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, Gurdeep Singh @ Nikka made disclosure statement about the complicity of the petitioner and thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 01.07.2023. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Gurdaspur declined the bail application filed by the petitioner vide order dated 11.10.2023. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-59852-2023, however the same was dismissed as withdrawn vide order dated 07.12.2023. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that admittedly neither the petitioner is named in the FIR nor any recovery has been effected from him. He has submitted that the recovery of 150 grams of heroin and drug money amounting to Rs.30,200/- have been effected from the co-accused. He has submitted that the petitioner has been arrayed as an accused in the present case on



the basis of disclosure statement of co-accused, which is not even an admissible evidence. To buttress his arguments, learned counsel for the petitioner has submitted that even otherwise, the petitioner was already behind bars in another FIR and in the present case, he has been arrested on production warrant. He has submitted that once the petitioner was already behind bars, there was no occasion for him for committing the present offence. He has submitted that the petitioner is behind bars from last more than 02 years, however there is no material progress in the trial. He has submitted that though the petitioner is involved in 13 other cases, however in 11 cases, he is on bail. 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 the petitioner is a habitual offender, who is involved in 16 more cases. He has submitted that complicity of the petitioner surfaced during the investigation. He, on instructions, has submitted that out of total 14 prosecution witnesses, only 03 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. Admittedly, the petitioner was behind bars at the time of recovery in the present case, which has been effected from the co-accused. Even otherwise, the alleged recovery of 150 grams of heroin effected from the co-accused is a non commercial quantity. Out of total 14 prosecution

witnesses, only 03 witnesses have been examined. Custody certificate produced would show that the petitioner has suffered incarceration of 02 years, 04 months and 16 days as on 18.11.2025. It further reflects that the petitioner is involved in 16 other cases, however in 04 cases, he is on bail and in 02 cases, he has been acquitted and in 01 case, he has been discharged. Though the petitioner is involved in other cases, however the pendency of other cases in itself cannot be a ground for non consideration of his bail, if on the merits of the case in hand, the same is made out.

7. This Court would refrain itself from commenting anything on the merits of the case. 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.

9. 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 seven days from today, then his further custody period after one week will not be counted in this case.

19.11.2025

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Whether speaking/reasoned
Whether reportable

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Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE