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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54395-2024
Date of decision:-27.05.2025

AMRITPAL SINGH @ AMRIT

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

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

Mr. K.D.Sachdeva, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Mr. Rishu Mahajan, Advocate has put in appearance on behalf of the petitioner filed Power of Attorney along with no objection from the earlier counsel, the same is taken on record.

2. The instant petition has been preferred by the petitioners under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
76	28.09.2023	21 (C), 27 (a), 29 of NDPS Act and 25, 27 of Arms Act	Sarai Amant Khan, District Tarn Taran

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and having no other case under NDPS Act but has been falsely implicated in this case. He contends that no narcotic was recovered from the possession of the petitioner and he has been falsely



implicated in this case. Infact the narcotics was recovered from the dicky of the scooter driven by co-accused Jugraj Singh, whereon the petitioner along with Rahul were pillion rider. He submits that petitioner is in custody since 28.09.2023, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 15 witnesses and till date only 1 of them has been examined. He contends that co-accused Rahul has already been granted concession of bail vide order dated 12.05.2025 passed in CRM-M-52442-2025. Hence prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that from the possession of the present petitioner one country made pistol along with 5 live cartridges were recovered while from the dicky of the scooter driven by co-accused Jugraj Singh 750 gram of heroin was recovered, hence prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution scooter driven by co-accused Jugraj Singh was stopped by the police, wherein co-accused Rahul, and petitioner were sitting on pillion and from the personal search of the co-accused Jugraj Singh and search of the dicky of the scooter 750 grams of heroin was recovered and no contraband was recovered from the petitioner and co-accused Rahul, from petitioner, one country made pistol and five live cartridges were recovered, which he was carrying without licence or permit. The petitioner was arrested on 28.09.2023, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 15 witnesses and till date only 1 of them has been examined. Moreover,



Rahul has already been granted concession of bail vide order dated 12.05.2025 passed in CRM-M-52442-2025. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such, no purpose would be served by detaining petitioner in custody any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

8. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

27.05.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |