

2025:PHHC:033217



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

225

CRM-M-54488-2024 (O&M)

Date of decision: 10.03.2025

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

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No. 298 dated 31.12.2023, registered under Sections 21, 21-C, 23, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 26, 6, 7 and 8 of Arms Act, 1959 at Police Station Islamabad, District Police Commissionerate Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 31.12.2023, on receiving a secret information that Sandeep Singh @ Laddi, Roshan Singh, Manpreet Singh @ Monu are indulged in smuggling of narcotic substance and illegal weapons with the Pakistani smugglers and that on the said date, aforesaid Sandeep Singh @ Laddi and Roshan Singh were waiting for someone while riding in car bearing registration number PB-06-BB-4064, they were apprehended by a police party headed by SI Paramjit Singh. On conducting their personal search as well as

2025:PHHC:033217



search of the car, 19 kgs. of heroin, one pistol of 9 MM with 06 live cartridges, one country made pistol of .32 bore with 06 live cartridges and one computerized weighing scale were recovered. Both of them were formally arrested at the spot. During the course of investigation, on the disclosure of accused Sandeep Singh @ Laddi, recovery of some more illegal arms and ammunition along with drug money of Rs. 15 Lakhs was effected. The petitioner was nominated in this case on the basis of the disclosure statement suffered by co-accused Sandeep Singh @ Laddi and was arrested on 05.01.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 03.05.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement suffered by co-accused, which is not admissible in evidence. He is not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioner is in custody since 05.01.2024. No useful purpose would be served by keeping him in custody anymore. Even otherwise, similarly situated co-accused Satpal Singh @ Satta has already been granted concession of regular bail by this Court, vide order dated 29.11.2024 passed in

2025:PHHC:033217



CRM-M-42604-2024. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Punjab, in terms of the status report which is available on record, has opposed the prayer of the petitioner by arguing that though the petitioner was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime was duly established. A huge quantity of contraband, i.e. 22.5 kgs. of heroin, along with certain illegal arms and ammunition has been recovered in this case. The petitioner was involved in selling heroin along with the co-accused. Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Sandeep Singh @ Laddi, who was apprehended by the police party at the spot and recovery of aforesaid contraband and certain illegal arms and ammunition was effected. The allegations against the petitioner are that he was also involved in sale/purchase of the contraband. However, a perusal of the contents of the FIR shows that he was neither named in the secret information nor any subsequent recovery is shown to have been effected from him. He is not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been presented before the Court concerned. The trial is likely to take time. The petitioner is in custody since 05.01.2024. Co-accused Satpal

2025:PHHC:033217



Singh @ Satta, who was also nominated in this case on the basis of the disclosure statement suffered by co-accused, has already been granted regular bail by this Court. Therefore, keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner 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.

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.

10.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No