



238

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55948-2024 (O&M)
Date of decision: 15.01.2025

Gurlal Singh alias Gora
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K. S. Mehta, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of regular bail under Section 483 BNSS, 2023 in case FIR No.51 dated 01.05.2024 under Section 25 of Arms Act, 10, 11, 12 Aircraft Act, 1934 (Offence under Sections 21-C, 29 of NDPS Act stands added lateron) registered at Police Station Khalra, District Tarn Taran.
2. Learned counsel for the petitioner submits that the petitioner has been nominated as an accused in the present case on the basis of 7th disclosure statement allegedly suffered by co-accused Ranjit, who too was nominated as an accused in the disclosure statement of Inderpal Singh. It has been contended by the learned counsel for the petitioner that the disclosure statement, on the basis of which the petitioner has been nominated as an accused in the present case, has very weak evidentiary value, and it also needs to be appreciated in the wake of the petitioner

2025.PHHC.005392



having no previous criminal antecedents. Learned counsel has submitted that after the petitioner was nominated as an accused in the present case, the police arrested him on 26.05.2024 and thereafter planted 100 grams of heroin which is much less than the minimum classified as commercial quantity under the Act. Learned counsel has still further argued that the investigation in the present case is complete as challan stands presented, charges also stand framed, however, none of the 15 witnesses cited by the prosecution have been examined till date. Hence, in the given circumstances, the possibility of the trial concluding in the near future does not arise.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has it been disputed that the petitioner has no previous criminal antecedents. However, learned State counsel, on instructions, has submitted that pursuant to the recovery of a pistol from an abandoned place near Indo-Pak boarder, one accused Jobanjit Singh was arrested, leading to recovery of 300 grams of heroin During the interrogation of accused Jobanjit Singh, he nominated three other persons, Lovepreet Singh, Shivraj Singh and Vishaldeep Singh, from whom a recovery of 280 grams, 260 grams and 1 Kgs of Heroin respectively was made, along with 3500 U.S. Dollars from Vishaldeep Singh. During further interrogation of co-accused Lovepreet Singh, a disclosure statement was suffered by him, leading to the arrest of co-accused Inderpal Singh, from whom 500 grams of heroin was effected and when co-accused Iniderpal Singh was interrogated, he named accused Ranjit Singh, from whom a

2025.PHHC.005392



recovery of 500 grams of heroin along with a pistol was made.

4. Learned State counsel has further submitted that the petitioner was indeed nominated as an accused on the disclosure statement of co-accused Ranjit Singh, however, when he was arrested, a recovery of 100 grams of heroin was made. He submits that in the circumstances, it was sufficient to link the petitioner with the other co-accused, who had been apprehended with huge quantities of contraband.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act; the alleged recovery effected from the petitioner pursuant to the 7th disclosure statement made by co-accused is 100 grams of heroin which has been classified as intermediary; not only the investigation is complete, but even the charges stand framed against the petitioner. Since, the prosecution evidence has yet not commenced, the trial would take considerable time to conclude.

7. In the facts and circumstances as enumerated here-in-above, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/ Duty Magistrate concerned. However, it is made clear that anything observed here-in-above shall not be construed to be an expression of opinion on the merits of the case.

15.01.2025*Satyawan***(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No