

2025:PHHC:039315



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

1. CRM-M-55929-2024 (O&M)

Gubakshish Singh @ Gora ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-62710-2024 (O&M)

Nishan Singh @ Scooter ...Petitioner

Versus

State of Punjab ...Respondent

Date of decision : 24.03.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar relief.
2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioners in FIR No. 55 dated 11.05.2024, registered under Sections 22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 201 of IPC at Police Station Sultanwind, Amritsar.
3. Brief facts of the case relevant for the disposal of the present petitions are that on 11.05.2024, co-accused Tanveer Singh @ Tannu was apprehended by a police party headed by SI Prahlad Singh and recovery of 255

2025:PHHC:039315



grams of heroin was effected from him. During the course of investigation, the above named co-accused disclosed that petitioner Gubakshish Singh and himself were the residents of the same village and were involved in selling heroin. It was further disclosed that cousin brother of petitioner Gubakshish Singh, namely Mannu, who was popularly known by the name of 'Wadda Veer', was lodged in jail at Goindwal Sahib and he used to get them supplied heroin from some unknown person. The recovered contraband was also got supplied by aforesaid Mannu @ Wadda Veer and he was being paid an amount of Rs. 10,000/- for supply and receipt of heroin. On the basis of the same, petitioner Gubakshish Singh was nominated in the present case and was arrested on 29.05.2024. Co-accused Mannu @ Manpreet Singh was brought on production warrant on 03.06.2024 and on interrogation, he disclosed that he used to get heroin smuggled through Gubakshish Singh, Tanveer Singh and petitioner Nishan Singh @ Scooter. Accordingly, petitioner Nishan Singh @ Scooter was also nominated in this case and was arrested on 05.06.2024. Both the petitioners admitted their involvement in selling heroin and also disclosed that they had destroyed their Sim cards when they came to know that co-accused Tanveer Singh @ Tannu had been apprehended by the police. Offence under Section 201 of IPC was added. After completion of necessary investigation and usual formalities, *challan* was presented before the Court on 21.11.2024 and presently, the petitioners are facing trial for commission of aforementioned offences. They had moved applications before the learned trial Court for grant of regular bail but the same had been dismissed, vide orders dated 12.08.2024 and 03.10.2024, respectively.

4. Learned counsel for the petitioners has argued that the petitioners

2025:PHHC:039315



have been falsely implicated in this case. They have been nominated in this case on the basis of the disclosure statements suffered by the co-accused, which is not admissible in evidence. No recovery has been effected from the petitioners. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take time. The petitioners are in custody since long. No useful purpose would be served by keeping them in custody anymore. It is, therefore, urged that the petitions deserve to be allowed.

5. Separate status reports have been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioners have been nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, their complicity in the subject crime has been duly established. On the instructions of co-accused Manpreet Singh @ Mannu, who was confined in jail, they used to purchase and sell heroin. On coming to know about apprehension of co-accused Tanveer Singh @ Tannu, they had destroyed their Sim cards. The petitioners are habitual offenders as petitioner Gubakshish Singh is involved in 04 more cases under the provisions of IPC including Section 307 of IPC, whereas petitioner Nishan Singh @ Scooter is involved in 02 more case under the NDPS Act. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. It is submitted that since a commercial quantity of the contraband has been recovered in this case, the rigors of Section 37 of the NDPS Act would be attracted against the petitioners. Trial is going at a proper pace. It is also argued that if the petitioners are released on bail, they may abscond or indulge in the similar

2025:PHHC:039315



offences. It is, thus, argued that the petitions are liable to be dismissed.

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

7. The petitioners have been nominated in this case on the basis of the disclosure statement suffered by co-accused Tanveer Singh @ Tannu and Manpreet Singh @ Mannu. Recovery of 255 grams of heroin has been effected from co-accused Tanveer Singh @ Tannu. The quantity of the recovered contraband obviously falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. The criminal antecedents of the petitioners are also not clean as they are shown to be involved a number of other cases, out of which, petitioner Nishan Singh @ Scooter is involved in 02 cases under the NDPS Act. A perusal of the status reports shows that the petitioners are a part of a group, which is indulged in sale/purchase of the contraband and they were actively involved in the same while following the instructions given by co-accused Manpreet Singh @ Mannu, who was lodged in jail. Not only this, on coming to know that co-accused Tanveer Singh @ Tannu had been arrested, they had destroyed their Sim cards, which shows their criminal minds. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned Assistant Advocate General, Punjab that the petitioners, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the criminal antecedents of the petitioners, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion

2025:PHHC:039315



that the petitioners do not deserve to be granted benefit of regular bail, at this stage. Hence, the petitions are dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petitions and the same shall not be construed as an expression of opinion on the merits of the case.

9. Let a photocopy of this order be placed on the file of the connected case.

24.03.2025

Museem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No