



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

207-I

CRM-M-53914-2025 (O&M)
Date of Decision:- 31.10.2025

Aman @ Vishu	...	Petitioner
Versus		
State of Punjab	...	Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Dhruv Gupta, Advocate with
Ms. Titiksha, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing FIR No.177, dated 19.06.2025, registered under Section 25 of Arms Act, 1959 wherein offence under Sections 21, 27-A and 29 of NDPS were added later on, at Police Station Islamabad, District Police Commissionerate, Amritsar.
2. The case of the prosecution is that the present petitioner and the co-accused Dhruv @ Bhanu were apprehended by the police party on 19.06.2025 upon secret information received while they were on a patrolling duty. Upon apprehension, 1 pistol (.30 bore) and 1 live cartridge (.30 bore) were recovered from the petitioner; and 2 live cartridges (.30 bore) were recovered from the co-accused Dhruv @ Bhanu. During the course of investigation, co-accused Dhruv-Bhanu suffered a disclosure statement, leading to recovery of 100 gm Heroin and Rs.10,000/- drug money. Due to the same, Section 21/27-A/29 of NDPS Act were added by the police in the instant FIR. Later, upon disclosure statement of the petitioner-accused and the



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co-accused Dhruv @ Bhanu, Rajbir Chadha @ Ritik and Ishu were nominated as co-accused in the instant FIR. Subsequently, co-accused Rajbir Chadha @ Ritik suffered a disclosure statement whereby Haider Bhatti was nominated as co-accused being the seller/supplier of one pistol .30 bore and 5 live cartridges, which he had sold to the present petitioner Aman @ Vishu and Dhruv @ Bhanu. Further, the co-accused Haider Bhatti suffered a disclosure statement, in consequence thereof, a recovery of 1 pistol (.30 bore) without a magazine was effected from his house. 100 gm Heroin and Rs.10,000/- drug money was recovered from co-accused Dhruv @ Bhanu; Rs. 10,000/- drug money was recovered from co-accused Ishu; and 2 live cartridges (.30 bore) were recovered from co-accused Rajvir Chadha @ Ritik upon their disclosure statements.

3. Learned counsel for the petitioner submitted that neither any narcotic substance, nor any drug money has been recovered from the present petitioner – neither from his conscious possession, nor upon any disclosure statement. There is no factum to suggest involvement of the petitioner in the offence of drug smuggling/peddling, hence, bar of Section 37 does not come in the way of relief of bail to the present petitioner.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. AG Punjab, puts in appearance as advance copy of petition had been served to the respondent-State, and has produced a custody certificate qua the petitioner, which shows that the present petitioner has been in custody for 4 months and 7 days. Custody certificate is taken on record. He has opposed the bail petition of the petitioner on the ground that that recovery of 1 pistol (.30 bore) and 1 live cartridge (.30 bore) was effected from the left-pocket of the petitioner.

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6. Heard.
7. As per the facts of the present case, the present petitioner was apprehended by police party while patrolling, upon secret information; when apprehended, 1 pistol (.30 bore) and 1 live cartridge (.30 bore) were recovered from the left pocket of the petitioner; no contraband has been recovered from the petitioner – neither from his conscious possession, nor upon any disclosure statement suffered by himself; the alleged recoveries of contraband have been effected only from the co-accused Dhruv; the petitioner is in custody since last 4 months and 7 days; trial will take sufficient time to conclude; no fruitful purpose will be served by keeping the present petitioner incarcerated as it is a trite principle of criminal jurisprudence that bail is a rule, and jail is an exception, hence, this Court deems it a fit case to grant the concession of regular bail to the petitioner.
8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.
9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

31.10.2025

Geeta

(SUBHAS MEHLA)

JUDGE

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