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

1. CRM-M-58748-2024 (O&M)

Tousief Hussain @ Tousif Hussain @ Syed Tousief ...Petitioner

Versus

State of Punjab **...Respondent**

2. CRM-M-460-2025 (O&M)

Ishfaq Mugal (@ Ashfaq Ahmed **...Petitioner**

Versus

State of Punjab **...Respondent**

3. CRM-M-5850-2025 (O&M)

Jaspreet Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

Reserved on : 16.07.2025
Pronounced on : 22.07.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vipin Mahajan, Advocate and
Ms. Chandanpreet Kaur Ahluwalia, Advocate
for the petitioners in CRM-M-58748-2024 &
CRM-M-460-2025.

Mr. Amit Arora, Advocate
for the petitioner in CRM-M-5850-2025.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This common order shall dispose of above mentioned three petitions as they arise out of the same FIR and seek similar reliefs.
2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioners in

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FIR No. 74 dated 17.04.2024, registered under Sections 21, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 201 of IPC at Police Station Sujampur, District Pathankot.

3. Brief facts of the case relevant for the disposal of the present petitions are that on 17.04.2024, co-accused Gurjant Singh @ Ravi and Simranjeet Singh @ Nikka Bath, while coming in an Innova car bearing registration number PB-09-V-2824 from the side of Jammu & Kashmir, were arrested by a police party and recovery of 15 grams of heroin and drug money of Rs. 5 Lakhs was effected from them. Upon interrogation, both of them made disclosure statements to the effect that on 15.04.2024, they had gone to Srinagar in the aforesaid car bring contraband and had brought only 15 grams of heroin as sample and 02 kgs. of heroin was to be brought later. Thereafter, on 20.04.2024, they disclosed that one Harpal Singh @ Bittu Bhalwan and petitioner Jaspreet Singh were also involved in smuggling of heroin. Co-accused Harpal Singh @ Bittu Bhalwan used to tell them the location, from where, they had to receive heroin. The above mentioned car was purchased by petitioner Jaspreet Singh and the fuel tank of the car was separated in two parts to smuggle the heroin. On the asking of co-accused Harpal Singh @ Bittu Bhalwan, petitioner Jaspreet Singh had given an amount of Rs. 24 Lakhs to Gurjant Singh @ Ravi to bring heroin from Srinagar, out of which, he had kept an amount of Rs. 5 Lakhs and had given Rs. 19 Lakhs to one 'Khan' at Dal Lake, Srinagar for the purchase of heroin. The aforesaid vehicle was searched and recovery of 8.304 kgs. of heroin was effected from the same. Subsequently, on 27.04.2024, co-accused Swaran Singh was nominated in this case on the basis of the disclosure made by co-accused Gurjant Singh @ Ravi with the allegations that he had arranged the

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aforesaid amount for the purchase of heroin. Thereafter, on the basis of the disclosure statement of Swaran Singh, recorded on 30.04.2024, petitioners Tousief Hussain and Ishfaq Mughal were nominated as accused. Both of them were arrested on 30.04.2024. Petitioner Ishfaq Mughal disclosed that they had received an amount of Rs. 18 Lakhs from co-accused and had brought heroin from one Mumtaz, who was their relative. At their instance, drug money of Rs. 3 Lakhs was recovered. Some other persons were also nominated in this case. After completion of usual formalities and necessary investigation, challan was presented in the Court and presently, the petitioners along with co-accused are facing trial for commission of aforementioned offences.

4. Learned counsel for the petitioners have argued that they have been falsely implicated in this case. They were neither named in the FIR nor were found at the spot. They have been nominated in this case on the basis of the disclosure statements suffered by the co-accused, which are not admissible in evidence. In fact, total 14 disclosure statements of the aforesaid co-accused were recorded, on the basis of which, several persons were nominated in this case. It clearly shows that the petitioners have been falsely roped in. No subsequent recovery of any contraband has been effected from them. They are not involved in any other case and has clean criminal antecedents. There is nothing on record to connect them with the subject crime. Even otherwise, investigation stands completed and challan has been filed. There are total 30 cited prosecution witnesses, out of which, only 04 witnesses have been examined so far. Conclusion of trial is likely to take time. No useful purpose would be served by keeping the petitioners in custody anymore. It is, therefore, urged that the petitions deserve to be allowed and the petitioners deserve to be released on bail.

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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 above named co-accused but during the course of investigation, their complicity in the subject crime has been duly established. Keeping in view the gravity of the allegations levelled against them, they are not entitled to get benefit of bail. There are chances of the petitioners absconding or indulging in similar offences, if released on bail. 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. Though the petitioners have been nominated in this case on the basis of the disclosure statements suffered by abovenamed co-accused, however, a perusal of the status reports reveals that they were actively involved in commission of subject crime. Huge recovery of heroin has been effected in this case. Petitioners Tousief Hussain and Ishfaq Mugal are alleged to have procured the heroin from Srinagar. Drug money of Rs. 3 Lakhs has also been recovered from them. Petitioner Jaspreet Singh facilitated the commission of crime by giving his car to the co-accused. Not only this, he had given an amount of Rs. 24 Lakhs to the co-accused, which was used to purchase the recovered contraband. The allegations against the petitioners are quite serious in nature. Some of the co-accused are still at large. Trial is going on at a proper and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that if the petitioners are released on bail, they can abscond or indulge in similar offences, can also not be

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stated to be unfounded keeping in view the manner in which the subject crime has been committed. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion 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 files of the connected cases.

22.07.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No