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

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CRM-M-59225-2024 (O&M)
Date of decision: 17.02.2025

Jagannath Singh ...Petitioner

Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. David Sardana, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 94 dated 19.06.2024, registered under Sections 21C, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chheharta, Amritsar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 19.06.2024, on the basis of a secret information, co-accused Gurjant Singh @ Janty and Jaspal Singh @ Pala were apprehended by a police party headed by Inspector Amandeep Singh and recovery of 01 kg. 500 grams of heroin was effected from them. During the course of investigation, on 21.06.2024, co-accused Gurjant Singh @ Janty disclosed that he used to receive consignments of heroin from a Pakistani smuggler namely Billa and sell the same as per directions of said Billa. He further disclosed that he used to hand over the drug money to the present petitioner and one Raj Kumar. On the basis

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of the same, the petitioner and Raj Kumar were nominated in this case. On the same day, the petitioner and co-accused Raj Kumar, who were coming in a car bearing registration number DL-5-CH-3024, were arrested and drug money of Rs. 27.10 Lakhs was recovered from them. During further investigation, another recovery of drug money of Rs. 55 Lakhs was effected from co-accused Khet Ram and on the analysis of calls details record of the petitioner as well as other co-accused, it was found that they were in constant touch with each other. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 24.10.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. Mandatory provisions of the NDPS Act were not complied with. No recovery of any contraband has been effected from him. In fact, the petitioner has a business of wood materials and he had business dealing at Amritsar, for which, he was travelling with co-accused Raj Kumar and was not aware of the fact that Raj Kumar was having any money with him in car. Even otherwise, investigation has since been completed and *challan* has been filed. The trial is likely to take a long time. The petitioner is in custody since 21.06.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted

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therein and learned Deputy Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. The petitioner was apprehended along with co-accused Raj Kumar and drug money of Rs. 27.10 Lakhs was recovered from them. Call details records reveal that the petitioner was in constant touch with other co-accused. 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 petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. 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. The petitioner has been nominated in this case on the disclosure of co-accused Gurjant Singh @ Janty, who was apprehended by the police party along with co-accused Jaspal Singh @ Pala and from whose possession, recovery of 01 kg. 500 grams of heroin was effected. The allegations against the petitioner are that the co-accused, after receiving the consignments of heroin from Pakistani smuggler Billa and after selling the same as per his instructions, used to hand over the drug money to the present petitioner. The case involves cross border smuggling of drugs and narcotic substances. The petitioner and co-accused were apprehended with huge amount of drug money i.e. Rs. 27.10

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Laksh. During investigation, it was found that the petitioner was in constant touch over phone with other co-accused. The allegations against him are quite serious. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. 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 State counsel that the petitioner, 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 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 petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

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

17.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No