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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-59546-2024 (O&M)  
Date of decision: 15.01.2025

Gagandeep Singh @ Gagana  
State of Punjab

Versus

...Petitioner  
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Verma, Advocate,  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of regular bail under Section 483 BNSS, 2023 in case FIR No.127 dated 22.12.2021 under Sections 15, 22, 25, 29 of the NDPS Act, 1985, registered at Police Station Tappa Mandi, District Barnala.
2. Learned counsel for the petitioner has reiterated the submissions made on the last date of hearing, that the FIR in question, which was registered on 22.12.2021, was pursuant to a secret information received only qua the co-accused from whom 200 tablets of Tramadol and 40 Kgs of poppy husk was recovered. Learned counsel has submitted that during the investigation of the three apprehended co-accused, they suffered a disclosure statement that the petitioner was one of the prospective buyers of the poppy husk, which had been recovered from co-accused Sukhpal

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Singh. Learned counsel for the petitioner has asserted that the disclosure statement, on the basis of which the petitioner has been arrayed as an accused in the present case, is of a weak nature and the same needs to be appreciated in the light of the petitioner not being involved even in any other case under the NDPS Act. Furthermore, it has been asserted that even when the petitioner was arrested on 05.09.2024, no recovery of any contraband was made from him. Learned counsel has still further contended that investigation in the present case is complete as challan stands presented and even charges stand framed, however, none of the prosecution witnesses have been examined till date, although, six witnesses have been given up by the prosecution.

3. On the last date of hearing, the learned State counsel while opposing the prayer and submissions made by counsel opposite, had not disputed, on instructions, that no secret information was received qua the involvement of the petitioner in drug trafficking nor had it been disputed by the learned State counsel that no recovery of any contraband was made from the petitioner when he was arrested pursuant to the alleged disclosure statement. However, learned State counsel had sought an adjournment to verify the criminal antecedents of the petitioner.

4. Reply by way of affidavit of Gurbinder Singh, PPS, Deputy Superintendent of Police, Sub Division, Tapa, District Barnala, has been filed on behalf of the respondent-State, the same is taken on record.

5. Learned State counsel, on instructions, has today submitted that the petitioner is not facing trial in any case under the NDPS Act, other than



the present one.

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

7. The petitioner has been in custody since 05.09.2024; he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by one of the co-accused. The trial is unlikely to conclude in the near future as 15 prosecution witnesses remain to be examined. 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**