

2025:PHHC:007292



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

340

CRM-M-63466-2024 (O&amp;M)

Date of decision: 20.01.2025

**Rajpal Singh and another****...Petitioners****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vaibhav Narang, Advocate  
for the petitioners.

Ms. Swati Batra, Deputy Advocate General, Punjab.

**MANISHA BATRA, J. (Oral)**

1. This petition has been filed by the petitioners under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 298 dated 31.12.2023, registered under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 (Section 21-C, 23, 25, 27-A and 29 of the NDPS Act and Sections 25, 6, 7 and 8 of Arms Act were added later on) at Police Station Islamabad, District Police Commissionerate Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 31.12.2023, on receiving a secret information that Sandeep Singh @ Laddi, Roshan Singh, Manpreet Singh @ Monu are indulged in smuggling of narcotic substance and illegal weapons with the Pakistani smugglers and that on the said date, aforesaid Sandeep Singh @ Laddi and Roshan Singh were waiting for someone while riding in car bearing registration number PB-06-BB-4064, they were apprehended by a police party

2025:PHHC:007292



headed by SI Paramjit Singh. On conducting their personal search as well as search of the car, 19 kgs. of heroin, one pistol of 9 MM with 06 live cartridges, one country made pistol of .32 bore with 06 live cartridges and one computerized weighing scale were recovered. Both of them were formally arrested at the spot. During the course of investigation, on the disclosure of accused Sandeep Singh @ Laddi, recovery of some more illegal arms and ammunition along with drug money of Rs. 15 Lakhs was effected. Accused Sandeep Singh @ Laddi named one Swinder Singh @ Noni, who was also arrested on 05.01.2024 and he named petitioner Rajpal Singh. Petitioner Rajpal Singh was also arrested and suffered a disclosure statement that Satpal Singh @ Satta and petitioner Mandeep Singh was also involved with them in selling heroin. Petitioner Mandeep Singh was also arrested on 06.01.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences.

3. Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in this case. The petitioners were not found at the spot and have been involved in this case on the basis of a series of disclosure statements suffered by co-accused, which is not admissible in law against the petitioners. They are not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioners are in custody since 05/06.01.2024. No useful purpose would be served by keeping them in custody anymore. Similarly situated co-accused Satpal Singh @ Satta has already been granted

2025:PHHC:007292



concession of regular bail by this Court, vide order dated 29.11.2024 passed in **CRM-M-42604-2024**. On the grounds of parity, the petitioners too deserve to be granted the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that though the petitioners were nominated in this case on the basis of the disclosure statements suffered by the co-accused but during the course of investigation, their involvement in the subject crime was duly established. A huge quantity of contraband, i.e. 22.5 kgs. of heroin, along with certain illegal arms and ammunition has been recovered in this case. The petitioners were involved in selling heroin along with the co-accused. Trial is going on at proper pace. 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 petitioners have been nominated in this case on the basis of a series of disclosure statements made by co-accused with the allegations that they were also involved in selling heroin with them. However, a perusal of the contents of the FIR shows that the petitioners were neither named in the secret information nor any subsequent recovery is shown to have been effected from them. More so, the petitioners are not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been presented before the Court concerned. The trial is likely to take time. The petitioners are in custody since 05/06.01.2024. Similarly situated co-accused

2025:PHHC:007292



has already been granted concession of regular bail by this Court, as mentioned above. Therefore, keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioners in custody anymore. Accordingly, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.01.2025  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |