

2025:PHHC:045059



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

304+308 (02 cases)

1. CRM-M-65483-2024 (O&M)

Jitendra Singh @ Jatinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-12857-2025 (O&M)

Navtej Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of decision : 03.04.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Armaan Gagneja, Advocate
for the petitioner in CRM-M-65483-2024.

Mr. Manuwant Singh Chabba, Advocate and
Mr. Nikhil Thamman, Advocate
for the petitioner in CRM-M-12857-2025.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above mentioned two 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 FIR No. 49 dated 12.08.2024, registered under Section 61 of Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, 1959 (Sections 21, 25 and 27 of the NDPS Act, 1985 added later on) at Police Station Special Operation Cell, District Amritsar.

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3. Brief facts of the case relevant for the disposal of the present petitions are the aforementioned FIR was registered on 12.08.2024 on the basis of a secret information, wherein it was disclosed that the petitioners are involved in smuggling of weapons with Pakistani smuggler Musa. During the course of investigation, the petitioners, while coming on a motorcycle bearing registration number PB-76-A-8099, were apprehended by the police party and recovery of 04 pistols 9 MM with magazines was effected from them. On the disclosure of petitioner Navtej Singh, recovery of 54 grams of heroin was effected from a car bearing registration number PB-02-DZ-7781. Some other persons were also nominated as accused in this case and certain recoveries of illegal arms and drug money was effected from them. After completion of necessary investigation and usual formalities, *challan* has been presented in the Court and presently, the petitioners are facing trial for commission of aforesaid mentioned offences.

4. Learned counsel for the petitioners have argued that the petitioner have been falsely implicated in this case. With regard to petitioner Jitendra Singh @ Jatinder Singh, it is argued that no case under the NDPS Act is made out against him as no contraband was recovered from him, whereas recovery of 54 grams of heroin is shown to have been effected from petitioner Navtej Singh but the same does not fall under commercial quantity. Although, they are shown to be involved in one more case under the NDPS Act but they are on bail in that case. Even otherwise, investigation has since been completed and *challan* has been presented. The petitioners are in judicial custody since 12.08.2024. Trial is likely to take time. No useful purpose would be served by keeping them in custody anymore. It is, therefore, urged that the petitions deserve to be allowed.

5. Status reports along with custody certificates of the petitioners have

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been filed by the respondent-State. Learned Deputy Advocate General, Punjab has argued that the petitioners are not entitled to get benefit of bail as they were apprehended at the spot by the police party and aforesaid recovery was effected from them. They do not have clean criminal antecedents. The trial is going on at a proper pace. 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. The petitioners were apprehended by the police party on 12.08.2024 and recovery of 04 pistols of 9 MM along with magazines was effected from them. Subsequently, recovery of 54 grams of heroin was effected from petitioner Navtej Singh. However, no recovery of any narcotic substance is shown to have been effected from petitioner Jatinder Singh. Although the petitioners are shown to be involved in one more case of similar nature but they are on bail in that case. Admittedly, the quantity of the contraband recovered in this case does not fall within the ambit of commercial quantity. Investigation has since been completed and *challan* has been presented. The petitioners are in custody since 12.08.2024. Trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioners in custody anymore. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on 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.

8. It is made clear that the observations made hereinabove are only for

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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 file of the connected case.

03.04.2025

Waseem Jinnah

(MANISHA BATRA)
JUDGE

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