

CRM-M No.64260 of 2025(O&M)

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

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CRM-M No.64260 of 2025 (O&M)

Date of decision : 19.11.2025

Date of uploading: 19.11.2025

Sahil Masih @ Mochi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. A. K. Agnihotri, Advocate, for
Mr. Rajiv Kumar Saini, Advocate
for the petitioner

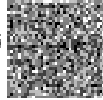
Mr. B.S. Sra, Addl.AG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.16 dated 01.03.2025 under Sections 21, 27(A) of NDPS Act, (Section 29 of NDPS Act added later on) and Section 25 of Arms Act, registered at Police Station Dera Baba Nanak, District Batala.

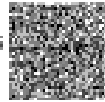
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Station House officer, Police Station Dera Baba Nanak "Jai Hind" today I, SI alongwith ASI Sukhraj Singh No. 2921/BTL, LR/ASI Mohan Singh No. 1855/Batala, HC Major Singh No. 1908/Batala, riding a government vehicle Rural Rapid No. PB-06-V-91-21 whose driver is ASI Kirpal Singh No. 1792/Batala along with laptop, printer patrol and search in connection with bad mens were going from Police Station Dera Baba Nanak to Talwandi Rama, Malewal, Samrai, Hardorwal Kala, Hardorwal Khurd etc. When the police party reached the village Hardorwal Kala railway line side while patrolling, three young men came riding on a Bullet motorcycle No.PB-06-R-7474 on the railway line side. On seeing the police party, they suddenly got scared and started turning back. One of the young men got off the back and ran into the field, whom the police party chased to

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catch, but they could not catch him. Then I, SI with the help of his fellow officers apprehended two young men, including a bullet motorcycle, when they tried to back and asked them their names. The driver of the bullet motorcycle gave his name as Sahil Masih alias Mochi son of Resham Masih, resident of Hardorwal Kalan, police station Dera Baba Nanak, and the other young man sitting behind gave his name as Sahib Singh alias Saba, son of Darshan Singh, resident of Hardorwal Kalan, police station Dera Baba Nanak. Then they asked the name of the young man who had run away, who gave his name as Mankaran Singh alias Karan, son of Satnam Singh, resident of Hardorwal Kalan, police station Dera Baba Nanak. Then I, SI informed him of his name, rank, and place of posting and said that he was suspected of having any narcotics with him and he was to be searched repeatedly. But you have the legal right to get your search done by a Gazetted Officer or Magistrate, whom I can call on the spot and according to your wish, you can also be taken to the Gazetted Officer or the Magistrate for search. They told us repeatedly that we want to get our search done by a Gazetted Officer, on which we prepared a written consent form under Section 50 of the NDPS Act and on which I SI on instructions from his phone number 97800-06766, Paramveer Singh PPSM who came on the spot and asked the arrested youth for their names and addresses one by one, in which one youth told his name Sahil Masih alias Mochi son of Resham Masih resident of Hardorwal Kalan police station Dera Baba Nanak and the other told his name Sahib Singh alias Saba son of Darshan Singh resident of Hardorwal Kalan police station Dera Baba Nanak. Paramveer Singh DSP said that I am Paramveer Singh is posted as Deputy Superintendent of Police Division Homicide Batala and Dera Baba Nanak. You are suspected of having narcotics with you. You want to get your search done in my presence. They said that we have to get our search done in your presence. Then, before checking them, tried to include the public witness in the party, but each person did not join the police party, expressing their own compulsion. On this, in the presence of DSP Sahib, different consent forms were prepared under Section 50 of the NDPS Act. on that the apprehended persons and witnesses signed their respective signatures and the witnesses gave their testimony, which was verified by DSP Sahib. Then I SI searched the apprehended Sahil Masih in the presence of DSP Sahib and his fellow employees, a country-made pistol alongwith magazine was recovered was found from the pocket of the Lower he was wearing which was unloaded and 02 live cartridges were recovered then prepared a blueprint of the recovered country-made pistol. The recovered country-made pistol along with 02 live cartridges was put in a cloth bag and a parcel was prepared and sealed with its own letter seal KC. A sample seal was prepared separately and the recovered country-made pistol along with 02 live cartridges was seized. The witnesses gave their own testimony and later I SI searched the said apprehended Sahib Singh in the presence of DSP Sahib and his fellow employees and a black wax envelope with a weight was found in the right pocket of the pants he was wearing. On checking, heroin was found in it. The wax envelope was weighed using a computer scale. The wax envelope was weighed and the wax envelope was found to contain 255 grams of heroin which was put in a separate cloth bag in a plastic box and a parcel was prepared. Four notes of Rs. 500/500 and one note of Rs. 100 were recovered from his left pocket. Drug money totaling Rs. 2100/- was recovered which was taken into custody by the police through a separate search. Then I SI sealed the said parcel with his seal KC and the DSP Sahib also sealed the said parcel with his seal PS/01. The sample seal has been applied. The parcel box has been prepared separately. The seal has been taken into possession by a separate person. ASI Sukhraj Singh 2129/Batala has been used. On being questioned by me SI, I SI has informed that this heroin and country-made



pistol belong to Mankaran Singh son of Satnam Singh, resident of Hardorwal Kala, police station Dera Baba Nanak only he knows where he has brought the heroin and country-made pistol. We all three of us are working together to sell heroin. The apprehended persons named Sahil Masih alias Mochi son of Resham Masih, resident of Hardorwal Kalan, police station Dera Baba Nanak and Sahib Singh alias Saba son of Darshan Singh, resident of Hardorwal Kalan, police station Dera Baba Nanak have taken possession of the country-made pistol and the pistol had committed offense under section 21/29/27-A/61/85 NDPS ACT 25/54/59 A-ACT, for registration of case HC Major Singh 1908/Batala sent to the police station Batala. The case should be registered and the case number should be informed. Special reports should be issued. I SI is busy in the investigation.

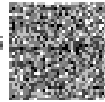
Sd/-Kailash Chandra SI Police Station Dera Baba Nanak Date 01-03-2025.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.03.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, recovery alleged to have been effected from the petitioner is one pistol and two live cartridges. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.11.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 01.03.2025 wherein after investigation was carried out and challan stands presented on 26.08.2025 Total 12 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that culmination of trial will take its own time. The issue, as to whether the petitioner can be fastened



with criminal liability regarding recovery of 250 gms heroine along with one Rs. 2100/- alleged to be drug money from co-accused namely Sahib Singh @ Saba, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 18.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 08 months and 13 days. As per the said custody certificate, the petitioner is stated to be involved in one more case/FIR. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial

is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

19.11.2025
monika

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No