



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-63380-2025
Date of decision: 17.11.2025

HARBHEJ SINGH @ BHEJA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 19 dated 27.01.2024, registered under Section(s) 21, 21C, 25, 29, 27A, 61/85 of the NDPS Act, 1985 at Police Station Gharinda, Amritsar Rural, District Amritsar.
2. The instant FIR has been registered on the statement of one Manjeet Singh son of Makhan Singh. The same reads thus:-

*"Station House Officer, P.S. Gharinda. Jai Hind.
Today I S.I. alongwith ASI Rasal Singh No. 1290/ASR-R,
ASI Daljit Singh No.791/ASR-R, PHG Mukhtar Singh No,
3111 on government vehicle being driven by ASI Raj*

Singh No. 1566/ASR-R alongwith laptop printer were present at Adda Attari in search of anti-social persons, when a secret informer came to me and informed that Jarman Singh @Bahman son of Dilbag Singh resident of Dhanoye Khurd and Akashdeep Singh alias Khatti son of Bau Singh resident of Dhanoye Khurd, P.S. Gharinda riding car No.PB-36E-2601 Mark Swift, are coming from Village Dhanoy Khurd to Village Attari. Both these persons in connivance with each other are smuggling heroin. They are having links with smugglers in Pakistan. In case they are apprehended immediately now, heroin can be recovered from them. At this, I S.I. alongwith my colleagues laid Naka at Mode Turn. In the meantime, one white colour Swift Car bearing No.PB-36E-2601 was seen coming from the front side. That on seeing the police party, the driver of the car stopped the car. There were two clean shaven young men in the car, one on the driver seat while another on conductor seat. They immediately alighted and ran out. At this, I SI, alongwith my colleagues, apprehended both the said young men and asked their names and addresses. Person on the driver seat wearing jeans and grey colour sweater, told his name as Jarman Singh @ Bahman son of Dilbagh Singh resident of Dhanoye Khurd and the person on the conductor seat, wearing pyjama of white colour told his name as Akashdeep Singh @ Khatti son of Bau Singh resident of Dhanoye Khurd. That personal search of boy on the driver seat namely Jarman Singh @ Bahman was conducted. During this, one mobile phone mark Narzo Realme colour silver was recovered. Mobile phone was checked in which many virtual suspicious numbers were found. After conducting his interrogation, accused Jarman Singh @ Bahman got recorded his disclosure statement that "I am running Whatsapp Business in the

above said mobile phone, through which I am using virtual number. Through this number, I am in contact with smugglers in Pakistan and very often I use to bring heroin from Pakistan through Drone. That today I and Akashdeep Singh both together were planning to further sell the heroin. That yesterday itself, I had requisitioned packets of Heroin through drone, which have been concealed by me in the veranda of cattle shed under the dry woods meant to be burnt concealed in packet. Only I am aware about the same and I can get the same recovered on demarcation." At this, disclosure statement of accused Jarman Singh @ Bahman was recorded. On which accused Jarman Singh @Bahman appended his signatures. In the personal search of second person, no article was recovered. After this, SI made a phone call and called Sh. Gurinderpal Singh, PPS, DSP, Sub Division, Attari, District Amritsar Rural and apprised him about the facts of the case. Then as per disclosure statement of accused Jarman Singh @Bahman, he was requested to reach Village Dhanoye Khurd. After this, I SI alongwith my colleagues accompanied with the accused persons and the recovered car left for Village Dhanoye Khurd and reached at the house of accused Jarman Singh @ Bahman. Where after sometime, Sh. Gurinderpal Singh, PPS introduced himself to accused Jarman Singh @ Bahman son of Dilbag Singh resident of Dhanoye Khurd with his name, rank and place of posting and told him that he has a legal right to get yourself and your house searched gazetted through some another gazetted officer or a Magistrate, who could be called at the spot. At this, Jarman Singh @ Bahman replied that he has full faith in you and you can search him and his house. He also stated that he has already informed about the intoxicant substance available with him. At this,

consent memo under section 50 of NDPS Act was prepared. Jarman Singh Bahman appended his signatures on the consent memo. After this, accused Jarman Singh @ Bahman led the police party inside and under the supervision of DSP Sahib, I SI, as per disclosure statement of accused pulled out one packet lying under dry woods in the cattle shed, and produced the same. That I SI under the supervision of DSP and in the presence of my colleagues opened the packet and checked the same. There were two packets in the envelope, which were wrapped with yellow tape. The packets were opened one by one and checked, in which heroin was recovered. That first packet alongwith packing material was weighed on electronic scale, whereby it was found of 515 grams alongwith packing material. Packet was then opened fully and heroin so recovered was weighed on an electronic scale. At this, it was found of 500 grams. Same was put in a plastic box to prepare a cloth parcel. The parcel was sealed by me the SI with my stamp bearing impression MS and Sahib DSP with his stamp bearing impression 'GPS'. The parcel was then marked as Mark A. Memo of recovery of 500 gram heroin was prepared. Then second packet was weighed on an electronic scale. It was found of 518 grams alongwith -packing material. After this, packet was opened fully and heroin in the same was weighed on electronic scale separately, It was found of 500 grams. The said recovered heroin was then put in a plastic box and then a cloth parcel was prepared which was sealed by me the SI with my stamp bearing impression MS and DSP with his stamp bearing impression GPS. The parcel was then marked as Mark B. Memo of recovery of 500 grams heroin was prepared. Sample seal was prepared separately and the packing material was taken in police

possession vide separate memo. After this, I Si handed over my stamp after use ASI Rasal Singh No.1290, while the DSP retained his stamp after use. Thereafter, DSP informed the second apprehended person Akashdeep Singh @ Khatti son of Bau Singh resident of Dhanoye Khurd, about his name, rank and place of posting and told him that he has full right to get himself searched through some other gazetted officer or any other Magistrate, who could be called at the spot. At this, Akashdeep Singh @ Khatti stated that I in connivance with Jarman Singh is doing business of heroin, but I have nothing in my possession and you can conduct my search." At this, consent memo u/s 50 NDPS Act was prepared on which accused Akashdeep Singh @ Khatti appended his signatures to express his consent and above said recovered gar was taken in police possession vide separate memo. Accused Jarman Singh @ Bahman and Akashdeep Singh @ Khatti in connivance with each other, brough: heroin and were further selling the same. In this way, they have committed offence punishable u/s 21, 25, 29, 61, 85 NDPS Act."

3. Learned Counsel appearing on behalf of the petitioner contends that it is evident from perusal of the FIR, that the same has been registered against Jarman Singh @ Bahman son of Dilbagh Singh alongwith one Akashdeep Singh alias Khatti son of Bau Singh who are indulged in the Narcotic Trade.

4. That pursuant to the arrest of aforesaid persons, a disclosure of the accused was recorded whereupon Jodhbir Singh @ Jodha was nominated as an accused. The petitioner was named in the disclosure statement of Jodhbir Singh. Counsel contends that the petitioner has been in continuous

custody since 17.11.2021 consequent upon his arrest in case bearing FIR No. 198 registered under Section 21/25/29/61/85 of the NDPS Act at Police Station STF, SAS Nagar, Mohali. The petitioner was in custody in the said FIR whereupon he has been subsequently nominated as an accused in present FIR. He contends that neither the petitioner was apprehended on the spot nor was he named in any secret information. Moreover, no recovery of any nature, whatsoever has been effected from the petitioner. He submits that the petitioner has undergone an actual custody of 01 year and 03 months in the present case as well and the trial is yet to commence. The co-accused Jodhbir Singh @ Jodha has already been granted concession of bail by this Court vide order dated 10.07.2025 passed in CRM-M-62320-2024.

5. Counsel for the respondent-State does not dispute the aforesaid facts.

6. I have heard learned counsel appearing on behalf of the respective parties.

7. In view of the facts noticed above and taking into consideration that stage of the trial, the absence of recovery from the petitioner as well as his period of custody and noticing that he was nominated as an accused in the instant FIR notwithstanding that he was already in custody in an earlier offence, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

NOVEMBER 17, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No