



(232) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10457-2026

Date of Decision: 03.07.2026

NAVDEEP SINGH ALIAS NAVKARAN SINGH ALIAS NAV

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Bindu Tanwar, Advocate for
Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail to the petitioner during the pendency of the trial in FIR No. 175 dated 26.07.2025, under Sections 21-C, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985; Sections 25 and 25(7) of the Arms Act, 1959; and Sections 111 and 113 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Amritsar.

2. As per the prosecution case, the present FIR came to be registered on the basis of a secret information received by the police to the effect that Jobanjit Singh, Gora Singh, Jasprit Singh @ Motu, Sunny Singh and Shehanshah Singh @ Shalu were allegedly in contact with unknown Pakistani smugglers, who were purportedly sending consignments of heroin and sophisticated weapons across the Indo-Pak border through drones and other means. It was further alleged that the aforesaid persons used to receive such consignments and, at the instance of the Pakistani smugglers, deliver the same



to Navdeep Singh @ Nav, an alleged close associate of gangster Jaggu Bhagwanpuria. The secret informer further disclosed that the accused persons had recently received a large consignment comprising heroin and assault rifles and were proceeding in a white i-20 car without a registration number to deliver the said consignment. Acting upon the said information, the police laid a naka near Village Kler and intercepted the vehicle.

2.1 It is further the case of the prosecution that upon interception of the vehicle, pistols were allegedly recovered from the possession of co-accused Gora Singh and Jobanjit Singh. It is further alleged that the search of the vehicle led to the recovery of one assault rifle, 100 live cartridges and cash amounting to Rs. 7,50,000/-, alleged to be drug money. Thereafter, on 01.08.2025, disclosure statements of the aforesaid co-accused were recorded, pursuant to which 544 grams of heroin was allegedly recovered. Subsequently, on 03.08.2025, on the basis of further disclosure statements allegedly suffered by Gora Singh, Jobanjit Singh and Navkran, another pistol, 30 live cartridges and cash amounting to Rs.10,000/- were also stated to have been recovered.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the prosecution story is wholly concocted. It is argued that although the FIR proceeds on the premise of a specific secret information alleging that the petitioner and the co-accused were acting in concert with unknown Pakistani smugglers, the investigation has failed to collect any material whatsoever establishing any nexus or communication between the petitioner and the alleged Pakistani smugglers. It is contended that the final report/challan is completely silent regarding any



investigation undertaken to substantiate the alleged cross-border connection, thereby rendering the prosecution case inherently doubtful.

3.1 Learned counsel further submits that the mandatory provisions of the NDPS Act have not been complied with during the course of investigation. It is contended that the safeguards contemplated under Section 50 of the NDPS Act were not adhered to and that the search and seizure proceedings were conducted without complying with the mandatory statutory requirements. It is further argued that the Investigating Officer was not competent to exercise the powers under Sections 42 and 67 of the NDPS Act in the manner alleged, and that the investigation suffers from material procedural irregularities.

3.2 It is further contended that there has been complete non-compliance with the mandatory provisions of Section 42 of the NDPS Act. Learned counsel submits that although the ruqa records that the police had acted upon prior secret information, the said information was neither independently reduced into writing nor forwarded to the immediate superior officer as mandated under Section 42 of the Act before conducting the search and seizure. According to the petitioner, such non-compliance strikes at the very root of the prosecution case and creates a serious doubt regarding the fairness and legality of the investigation.

3.3 Learned counsel for the petitioner further submits that the petitioner has been implicated in the present case merely on the allegation that the firearms and live cartridges allegedly recovered from the co-accused were intended to be delivered to him. It is submitted that the said allegation is based solely on the disclosure statements of co-accused, which by itself does not



constitute substantive evidence and is not supported by any independent material or recovery from the petitioner at the initial stage. It is further contended that after the alleged arrest of the petitioner, a pistol, 30 live cartridges and currency notes amounting to Rs.10,000/- were shown to have been recovered from him. However, learned counsel submits that the said recovery is false, planted and doubtful in nature, having been shown only to strengthen the prosecution version. Accordingly, it is submitted that the invocation of Sections 25 and 25(7) of the Arms Act, 1959 against the petitioner is wholly unjustified and not made out in the facts and circumstances of the present case.

3.4 Learned counsel for the petitioner further submits that the petitioner has been in judicial custody since 03.08.2025 and has undergone incarceration for approximately 10 months and 27 days. It is contended that the investigation stands concluded, the final report has already been presented before the learned Trial Court, and therefore, the petitioner's further custodial detention serves no useful purpose. It is further submitted that the trial is likely to take considerable time to conclude, particularly in view of the number of accused and prosecution witnesses, and consequently, continued incarceration of the petitioner would amount to pre-trial punishment.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 01.07.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 10 months and 27 days.



6. Learned State counsel has opposed the prayer for grant of regular bail and submits that the petitioner is involved in a grave offence involving commercial quantity of contraband and illegal arms. It is contended that the petitioner was specifically named in the secret information on the basis whereof the present FIR was registered. The investigation allegedly revealed that the intercepted consignment of firearms and live cartridges was intended to be delivered to the petitioner and, after his arrest, a pistol, live cartridges and cash were also allegedly recovered pursuant to his disclosure statement. He further submits that the petitioner has criminal antecedents, as several other criminal cases are stated to be registered against him.

7. Be that as it may, without expressing any opinion on the merits of the case, this Court finds that the petitioner has remained in judicial custody since 03.08.2025. The investigation stands concluded, the final report has already been presented before the learned Trial Court, and charges have also been framed. However, none of the prosecution witnesses has been examined so far, and therefore the trial is likely to take considerable time to reach its logical conclusion. Considering the fact that the disclosure statement, insofar as it pertains to the petitioner, relates primarily to the offence under the Arms Act, and further that after his arrest a pistol, live cartridges and currency notes were allegedly recovered from his possession, this Court is of the view that the evidentiary value and admissibility of the said disclosure statement and recovery are matters to be adjudicated upon during trial. Although several other criminal cases are stated to be registered against the petitioner, he is not a previous convict and the said cases are either under investigation or pending trial. While the criminal antecedents of the petitioner constitute a relevant



consideration, the same, in the facts and circumstances of the present case, cannot by themselves justify his continued incarceration for an indefinite period.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (CrI.) No. 8523/2024). In the present case, the trial is likely to consume considerable time before reaching its logical conclusion. In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaq Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from



disclosing such facts before the Court or to the investigating agency.

2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event she is in possession of a passport, she shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information



shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

03.07.2026

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