



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CRM-M-11298 of 2025(O&M)
Date of Order:28.01.2026

Resham Singh .Petitioner

Versus

State of Punjab ..Respondent

(2) CRM-M-47445 of 2025(O&M)

Surjit Singh @ Bhola ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ruhani Chadha, Advocate
Mr. Kashav Chadha, Advocate
for the petitioner (in CRM-M-11298-2025)

None for the petitioner (in CRM-M-47445-2025)

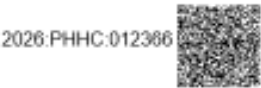
Mr. Vinay Kumar Malhotra, DAG, Punjab.

SANJAY VASHISTH, JUDGE

Both the aforesaid petitions are being disposed of by the present common order.

Petitioner-Resham Singh has filed the instant petition for grant of regular bail under Section 483 of BNSS, 2023, in case FIR No.49, dated 29.05.2023, registered under Sections 21(b), 21(c) and Section 29 (added later on) of NDPS Act, at Police Station Khalra, District Tarn Taran.

Petitioner-Surjit Singh @ Bhola has filed the instant petition for grant of regular bail under Section 483 of BNSS, 2023, in case FIR No.49,



dated 29.05.2023, registered under Sections 21(b), 21(c), 61, 85 of NDPS Act and Section 29 of NDPS Act, Section 10, 11 and 12 of Aircraft Act, 1934 ((added later on), at Police Station Khalra, District Tarn Taran.

On hearing the arguments of the learned counsel for the petitioner and examining the issue in detail on 21.08.2025, the following order was recorded in the petition filed by petitioner-Resham Singh (CRM-M-11298-2025):-

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

<i>Name of Petitioner(s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Resham Singh</i>	<i>49</i>	<i>29.05.2023</i>	<i>21(c) and 29(added later on) of NDPS Act</i>	<i>Khalra</i>	<i>Tarn Taran</i>

2. Learned counsel for the petitioner argues that recovery of 3.834 KG of heroin was effected by the Police team, of the Police Station Khalra (Tarn Taran), from the fields of Gursewak Singh s/o Puran Singh and that too on the basis of the information given by Gursewak Singh himself. The said recovery was effected on 29.05.2023 and thereupon, the aforementioned FIR was registered.

At the same Police Station another FIR No.50 dated 31.05.2023 was registered under Section 21(b) of NDPS Act at Police Station Khalra, District Tarn Taran. As per the said FIR, petitioner-Resham Singh along with one Surjit Singh were found together in Haveli and from there 150 grams of heroin was recovered.



3. *Learned counsel for the petitioner contends that after three days of the registration of FIR No.50 dated 31.05.2023 i.e. on 02.06.2023, one confessional statement of Surjit Singh accused (co-accused of petitioner in the said case) was recorded, while he was in custody and as per said disclosure statement, in the intervening night of 28/29.05.2023, accused Surjit Singh and Resham Singh (petitioner herein) had purchased heroin from Pakistani smugglers, however same could not be sent at the right location and rather, it was thrown at a wrong location through air drone and the said package of the heroin, weighing around 4 KG was thrown mistakenly, in the fields of Gursewak Singh s/o Puran Singh. He further states that he and accused petitioner-Resham Singh had jointly purchased the same from Pakistani smugglers.*

It is on next date i.e. 03.06.2023, when a confessional statement of petitioner was recorded in impugned FIR No.49 dated 29.05.2023 (Annexure P1), wherein, the confession made by Surjit Singh in FIR No.50 (supra) has been reiterated.

4. *Learned counsel for the petitioner, contends that this is how, for the recovery of 3.834 KG of heroin from the field of Gursewak Singh, on the intervening night of 28/29.05.2023, new story was developed by planting the recovery against the petitioner and Surjit Singh, and thereupon another confessional statement was shown to be recorded of Surjit Singh in FIR No.49 (supra), likewise of petitioner.*

Thus, learned counsel for the petitioner argues that the case has been planted by the Police of same Police Station, only to fix the recovery against the petitioner, though, there is no other evidence such as, any telephonic conversation or connectivity of the petitioner with any of



the Pakistani Smugglers during that period.

5. The petitioner being inside jail since 01.06.2023, and out of total 19 prosecution witnesses, only 9 have been examined and culmination of trial is likely to take considerable time. Counsel also contends that after the year 2013, petitioner has never found indulged in any similar activity except of the present case FIR No.49 and 50, which is also planted one.

Accordingly, learned counsel prays for the grant of concession of regular bail to the petitioner.

6. On the other hand, learned State Counsel is unable to point out any evidence in regard to the connectivity of petitioner with Pakistani smugglers, during the time of effecting the recovery in FIR No.49 (supra) and FIR No.50 (supra). To fortify the contents of confessional statement, even no evidence is highlighted in regard to the payment made by the petitioner and his co-accused Surjit Singh to any other smugglers, within the country or across the border.

7. Heard.

8. Noticing all the circumstances and that the manner of conducting investigation in both the cases and only by taking note of the heavy quantity recovered in the instant case i.e. 3.834 KG of heroin, I deem it appropriate to grant the benefit of interim bail to the petitioner.

Accordingly, the petitioner is directed to be released on interim bail till the next date of hearing, subject to his furnishing the fresh bail/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Illaqua Magistrate/Duty Magistrate concerned, if not required in any other case.

9. List again on 29.10.2025.

10. The concerned Investigating Officer and concerned Deputy Superintendent of Police, are directed to remain



present in Court on the next date of hearing, along with record, to explain the issues which have been discussed today and recorded here-above.”

The second petition filed by Surjit Singh @ Bhola (CRM-M-47445-2025) was instituted later in time, therefore, the contentions recorded in the Resham Singh's case (supra) was once again noticed and thereupon he (Surjit Singh @ Bhola) was released on interim bail till the next date fixed before this Court.

Today, status report dated 27.01.2026, has been filed by the State and the same is taken on record. In para 9 of the Status report, it has been informed that the Investigating Officers have already retired from the respective services, thus, their cases for initiating departmental action have been forwarded to Home Department, for initiating departmental action against the said erring officials. Before that, not only this, the status report filed in the shape of affidavit of Sh. Surender Lamba, IPS, Senior Superintendent of Police, Tarn Taran, District Tarn Taran, in paragraph 8, it has been admitted in specific that the proper investigation has not been conducted by the Investigating Officers i.e SI Karamjit Singh No.1495/TT and ASI Satnam Singh No.1146/TT. Paragraph 8 of the status report detailed at the instance of Senior Superintendent of Police, Tarn Taran, reads as under:-

8. That, S.P (D), Tarn Taran submitted his report with regard to investigation conducted in FIR No.49 and recommended that investigating officers i.e. SI Karamjit Singh No.1495/TT and ASI Satnam Singh No.1146/TT have not conducted proper/thorough investigation in the present FIR though as per investigation the accused after destroying the phone used in sending location etc. to



Pakistani smuggler for dropping heroin, have been thrown in drain, yet offence U/s 201 IPC was not added in array of offences by investigating officers and further during investigation, said investigating officers have failed to bring on record details/CDR/IPDR of other mobiles phones being used by accused, nor have investigated financial transaction neither have brought on record bank accounts details etc. of accused and have committed lapse by not joining witnesses for further establishing links/substantiating role of petitioner, thus , S.P.(D), Tarn Taran have further recommended that since Challan has already been presented before Ld. Trial Court, thus, permission be sought from Ld. Trial Court to conducting further investigation in the present FIR with regard to above referred facts/aspects by moving application to said effect and on the basis of said recommendation deponent has directed DSP, Bhikhiwind to ensure compliance on said aspect at the earliest and to carry out further investigation by obtaining permission from ld. Trial Court”.

No court would direct the Investigating Agency to investigate any criminal case in a particular manner, however, if the deficiencies or false implication is found or realised, definitely it is expected to point out to the agencies so that the actual guilty may not be spared and at same time innocent may not be troubled because of the false implication.

Since, this is not the stage to make any such comment, I deem it appropriate to make the order dated 21.08.2025, passed in Resham Singh's case (CRM-M-11298-2025) and order dated 11.09.2025, passed in Surjit Singh @ Bhola's case (CRM-M-47445-2025) as absolute.

Accordingly, both the petitions are allowed and the petitioners

are directed to be released on bail on the basis of bail/surety bonds already furnished by them during the pendency of trial.

Whether in support of the allegations in FIR No.49, dated29.05.2023, there is any other evidence available with the prosecution agency or not or whether the case has been framed rightly or wrongly against the petitioners would be commented in an appropriate petition, if so advised.

Pending misc. application(s), if any, also stand(s) disposed of.

A photocopy of this order be placed on the file of other connected case.

January 28, 2026
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No