

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

2026:PHHC:080470



CRM-M-16721-2026 (O&M).
Date of decision: 21.05.2026.

SAJAN SINGH @ BHOLA

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

PRESENT Mr. Shivender Pal Singh, Advocate,
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in
case bearing FIR No.42 dated 07.03.2025, under Section(s) 21C and 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985, (Section 25 of the
Arms Act, 1959 added later on) registered at Police Station Chheharta, District
Amritsar.

The aforesaid FIR was registered on the statement of SI Devinder

Singh. The translated version of the FIR reads thus: -

“To the SHO, Chheharta Police Station, District Amritsar. 'Jai Hind' Today, I, SI, along with ASI Jaibir Singh 2510/ASR, ASI Kamaljit Kaur 2107/ASR, ASI Lakhbir Singh 2080/ASR were on patrol and a search for bad characters in the area. We were traveling in a government Scorpio vehicle with registration number PB02-BL-1876, along with an investigation kit and a laptop printer, moving from the Sun Sahib Road towards Guru Ki Wadali, etc. When the police party was a little behind the cremation ground of the village Guru Ki Wadali, a Sikh young man was seen standing on the side of the road under the street lights. Seeing the police party, he moved to the dark side and tried to throw something out of the right pocket of his pants. I, SI, with the help of my fellow officers, caught him and asked for his name and address. On being asked, he gave his name as Joban Singh alias Joban, son of Ajit Singh, resident of village Guru Ki Wadali, near Maan Chukki and Barana Chowk, Police Station Chheharta, District Amritsar. When asked about the transparent polythene bag he was holding in his right hand, he said that it contained heroin. At this, I, SI, before checking the bag in his right hand, tried to involve a public witness in the police party. But everyone expressed their own reasons for not joining the police party. At this, I, SI, asked ASI Kamaljit Kaur 2107 to start videography on her mobile phone through the E-Sakshya App, and I, SI, opened the said polythene bag and checked it, and another transparent polythene bag with heroin was recovered from inside. At this, arrangements were made to weigh the said recovered heroin, and when weighed with the polythene bag, it came to 290 grams of heroin. The recovered heroin, along with the polythene bag, was put into a plastic box and a parcel was prepared. The parcel was sealed with my initials 'DS', and a sample seal was prepared separately. The seal was then handed to ASI Jaibir Singh 2510/ASR after use. The

said parcel, plastic box of heroin, and the sample seal were taken into police possession through a separate recovery memo. Since the recovery was sudden, the Illaqa Magistrate or a Gazetted Officer could not be called on the spot. A separate report under Section 42 of the NDPS Act is being prepared and sent to senior officers. The accused Joban Singh alias Joban has committed an offense under Section 21-C/61/85 of the NDPS Act by keeping 290 grams of heroin in his possession. A rukka is being written and sent to the police station through ASI Lakhbir Singh 2080 to get a case registered. The case should be registered, and the case number should be communicated. The control room should be informed. Special reports should be issued and sent to the Illaqa Magistrate and senior officers. I, SI, along with my fellow officers, am busy with the investigation on the spot. Within the area of village Guru Ki Wadali road, near the cremation ground. AT: 09:00 PM. Sd/- Devinder Singh SI In-charge, Police Post Kale Ghanupur, Police Station Chheharta, District Amritsar. Date: 07.03.2025.”

Learned counsel appearing on behalf of the petitioner contends that the aforesaid case was registered on 07.03.2025 against Joban Singh and 290 grams of heroin had been recovered from him. He contends that during the course of investigation, co-accused Joban Singh disclosed the name of Mukhtar Singh @ Tochi and thereafter, said Mukhtar Singh @ Tochi further nominated the petitioner as an accused for having transported the contraband. It is contended that later on second confession of co-accused Joban Singh was recorded on 10.03.2025 wherein one Jobanpreet Singh, Manjit Singh @ Bhola and Harman Singh were also nominated as accused. Counsel contends that the petitioner is a young boy of 22 years and is not involved in any other case. He contends that there is no link as would establish the complicity of the petitioner with the co-

accused in the commission of the offence. It is contended that the petitioner was taken in custody on 14.03.2025, however, despite the investigation having been concluded and final report having been filed in the Court, charges have not yet been framed against the petitioner. There are total 15 prosecution witnesses cited and that none has been examined so far. He further contends that similarly placed co-accused Mukhtar Singh @ Tochi has already been granted the concession of regular bail by this Court vide order dated 15.01.2026 passed in CRM-M-365-2026.

State counsel, on the other hand, does not dispute the facts as noticed aforesaid. He, however, contends that the petitioner was the courier of the contraband.

Having heard the learned counsel for the parties, without commenting any further on the merits of the case and taking into consideration that arguable issues would arise with respect to the complicity of the petitioner in commission of the offence which would be determined during the course of the trial, absence of any recovery from the petitioner, the period of custody already undergone by him as well as the stage of the trial and also the clean antecedents and young age of the petitioner, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

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.

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.

May 21, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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