



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118+128

1) CRM-M-30742-2025 (O&M)
Decided on : 18.03.2026

Harjinder Singh @ Hathori . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

2) CRM-M-37710-2025 (O&M)

Gurmit Singh @ Gola . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

3) CRM-M-70095-2025

Nishan Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

4) CRM-M-13728-2025

Lovepreet Singh @ Lovely . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

5) CRM-M-61343-2025

Gurpreet Singh @ Kala . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rishu Mahajan, Advocate, for the petitioner(s)
(in CRM-M-30742-2025 & CRM-M-61343-2025).

Mr. Ruhani Chadha, Advocate
for the petitioner(s) (in CRM-M-37710-2025).

Mr. K.S. Mehta, Advocate (through V.C.)
for the petitioner(s) (in CRM-M-70095-2025).

Mr. Amit Arora, Advocate
for the petitioner(s) (in CRM-M-13728-2025).

Mr. Neeraj Madaan, Sr. DAG, Punjab and
Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-30742-2025, CRM-M-37710-2025, CRM-M-70095-2025, CRM-M-13728-2025 and CRM-M-61343-2025, as all the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-30742-2025.
2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harjinder Singh @ Hathori (petitioner in CRM-M-30742-2025)	170	07.11.2024	21-C/25/29 of NDPS Act, 1985	STF	SAS Nagar, Mohali
Gurmit Singh @ Gola (petitioner in CRM-M-37710-2025)	170	07.11.2024	21-C/25/29 of NDPS Act, 1985	STF, District STF Wing	SAS Nagar, Mohali
Nishan Singh (petitioner in CRM-M-70095-2025)	170	07.11.2024	21(c)/25/29/61/85 of NDPS Act, 1985	STF	SAS Nagar, Mohali
Lovepreet Singh @ Lovely (petitioner in CRM-M-13728-2025)	170	07.11.2024	21(c), 25, 29 of NDPS Act, 1985	STF	SAS Nagar, Mohali
Gurpreet Singh @ Kala (petitioner in CRM-M-61343-2025)	170	07.11.2024	21-C/25/29 of NDPS Act, 1985	STF	SAS Nagar, Mohali

3. On 02.09.2025, the case was argued on length, and following order was passed:-

“1. Present petitions have been filed by the petitioners, seeking grant of regular bail, in case bearing FIR No.170, dated 07.11.2024, under Section(s) 21-C/25/29 of NDPS Act, registered at Police Station STF, District SAS Nagar (Mohali).

2. As per the allegations in the FIR, case against the petitioners is based on secret information received by the police team, wherein names of three accused allegedly involved in narcotic drug trafficking were disclosed, i.e., (1) Lovepreet Singh @ Lovely, (2) Lovepreet Singh @ Love, and (3) Gurpreet Singh @ Kala. Upon conducting raid at the premises belonging to Lovepreet Singh @ Love, two parcels of heroin weighing 516 grams and 534 grams, respectively, (totalling 1 kg 50 grams) were recovered, with the contraband found wrapped around his waist.

Subsequently, on 10.11.2024, i.e. after four days of registration of the FIR, accused Lovepreet Singh @ Love recorded a disclosure statement stating that their land is situated close to the barbed wire fencing near the border. He further alleged that his co-villager, Harjinder Singh @ Hathori (petitioner in CRM-M-30742-2025), who is presently lodged in jail, is involved in the business of heroin smuggling and maintains connections with smugglers operating from jail. It was disclosed that Lovepreet Singh @ Love had been in contact with Harjinder Singh @ Hathori, via mobile number 97806-57350, saved in his phone under the name "Heera Madar."

It was further alleged in the disclosure statement that while standing in the fields, Lovepreet Singh @ Love sends his live location to Harjinder Singh @ Hathori, who, despite being in jail, forward the location to a person across the international border, facilitating delivery of the contraband to the field location.

3. A similar disclosure statement was recorded on 11.11.2024 by petitioner Harjinder Singh @ Hathori, wherein Gurmit Singh @ Gola (petitioner in CRM-M-37710-2025) was named (who is also inside jail), as having connections in Pakistan for the purpose of smuggling narcotic substances.

It was further stated that Gurmit Singh @ Gola had been sending locations to one Nishan Singh. Notably, neither Nishan Singh nor Heera Madar have been nominated as accused in the present case.

4. Counsel for the respective petitioners submit that there is no material on record to show that any mobile phone was ever recovered from possession of the petitioners, who have been in judicial custody since the years 2022 and 2023, respectively.

5. It is also contended that petitioners, already lodged in jail,

could not have been in possession or use of any mobile device as alleged. Therefore, the disclosure statements, purportedly given by co-accused to implicate the petitioners, appear to have been fabricated with the sole intent to harass them and to involve them in multiple criminal cases, thereby, preventing their release from custody.

It is further submitted that apart from the said disclosure statements, no independent or corroborative evidence has been collected by the investigating agency to substantiate the allegations against the petitioners.

6. *Learned State counsel has filed status report dated 02.09.2025 (in both the cases), in the Court today and the same are taken on record.*

7. *This Court has heard the submissions advanced by learned counsel for the parties and has also perused the material available on record.*

8. *Upon consideration, contention raised by counsel for the petitioners appears to be well-founded.*

9. *This Court is constrained to note, with concern, that a similar pattern of investigation has been observed in several cases, wherein accused persons already known to the police are named solely on the basis of disclosure statements, without any sincere or substantive effort being made to collect independent, corroborative evidence to verify the contents of such statements.*

In the present case as well, serious allegations have been levelled against the petitioners, who are stated to be lodged in jail, allegedly in contact with cross-border smugglers. However, the record reveals that no meaningful investigation has been conducted by the investigating agency to substantiate these claims. There appears to be a complete absence of any inquiry or evidence gathering to establish the alleged cross-border communication or involvement of both the petitioners in the smuggling activities.

10. *List again on 17.09.2025.*

To be taken up at 2.00 P.M.

11. *Let an explanation be submitted to this Court by the Director General of Police, Punjab, by filing an affidavit in respect of the issues raised and the concerns noted hereinabove.*

12. *While adjourning the present petition, it is made clear and be conveyed through learned State counsel to the Director General of Police, Punjab, that in case, this Court is not satisfied with the contents of the affidavit, or, if such sub-standard investigation continues to prevail in the State of Punjab, this Court may be compelled to require his/her*

personal appearance to explain the position in detail, before this Court.

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

4. Again, on 17.09.2025, following facts were recorded:-

“1. *In compliance of order dated 02.09.2025, an affidavit dated 15.09.2025 has already been placed on record. During the course of the short hearing, Mr. Deepender Singh, learned Additional AG, Punjab pointed out that information supplied during the course of the hearing, which were noted in the order dated 02.09.2025, require correction i.e. (i) Regarding accused Nishan Singh, as recorded in paragraph 3 of the order, it was stated that neither Nishan Singh nor Heera Madar have ever been nominated. However, it is now explained that Nishan Singh actually was arrested on 15.08.2025, i.e. prior to the passing of the order dated 02.09.2025.*

2. *Moreover, mobile number of Harjinder Singh @ Hathori stored/saved under the name of Heera Madar, has been found in the contact list of the mobile phone of co-accused Lovepreet Singh @ Love.*

3. *Further referring to paragraph No.4 of the previous order, learned State counsel submits that in fact, mobile phones belonging to both the petitioners were recovered on the very same day, when FIR was registered, i.e., on 07.11.2024. The material recorded therein, including the contents of the mobile phones, supports this submission. It is also pointed out that both the petitioners have already been convicted for possessing mobile phones illegally inside the jail, under Section 52-A of the Prisons Act, and have already undergone the sentence for that offence.*

4. *The contents of the said mobile phone are still being examined by the concerned lab. After a brief hearing and certain explanations from the learned State counsel, the hearing regarding the bail of both the petitioners is being deferred to 29.09.2025.*

5. *Meanwhile, learned State counsel would apprise the Court regarding contents of the mobile phone, whether the same is under scrutiny before the concerned authority, if those were found substantial.*

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

5. Today, learned State counsel has filed the separate custody certificates dated 17.03.2026 along with one comprehensive common status report dated 17.03.2026, in all above five cases, in Court today, which are

taken on record. Office to tag the same at appropriate place.

Copies thereof have been handed over to the counsel for the petitioner(s).

6. The admitted position, as reflected in the aforesaid status report, is that except for the recovery of heroin from accused – Lovepreet Singh @ Love (petitioner in a separate petition, i.e., CRM-M-11121-2026, which has already been dismissed as withdrawn vide a separate order of even date), no other contraband falling under the NDPS Act has been recovered from the possession of any of the present petitioners.

Petitioner – Harjinder Singh @ Hathori (in CRM-M-30742-2025) was arrested on 11.11.2024 upon being nominated in the disclosure statement of co-accused Lovepreet Singh @ Love, who alleged that the petitioner was sending locations through his mobile phone to co-accused Gurmit Singh @ Gola (petitioner in CRM-M-37710-2025), who in turn allegedly forwarded the same to Pakistani smugglers. It is further stated in the said disclosure statement that the mobile phone had been broken by him.

Petitioner – Gurmit Singh @ Gola (in CRM-M-37710-2025) was thereafter arrested on 12.11.2024, though he was already confined in jail in another case. However, no narcotic contraband was recovered from his possession.

Petitioner – Gurpreet Singh @ Kala (in CRM-M-61343-2025) was arrested on the spot on 07.11.2024 along with co-accused Lovepreet Singh @ Love and Lovepreet Singh @ Lovely (petitioner in CRM-M-13728-2025), while all three were riding on a motorcycle. However, nothing incriminating was recovered from his personal search.

Similarly, petitioner – Lovepreet Singh @ Lovely (in CRM-M-

13728-2025) was also arrested on the spot, but no contraband was recovered from him.

Petitioner – Nishan Singh (in CRM-M-70095-2025) was arrested on 18.08.2025 on the basis of the disclosure statement of co-accused Harjinder Singh @ Hathori; however, nothing incriminating was recovered from his possession.

7. The main allegation against all the petitioners is that they were in contact with each other through mobile phones and were allegedly involved in a conspiracy relating to drug trafficking, including sharing of locations and facilitating delivery of contraband from across the international border. Prosecution relies primarily upon the disclosure statements of the accused persons and the alleged connectivity through mobile phones.

8. I have considered the submissions addressed by learned counsel for the parties as well as the material placed on record. However, nothing has been brought on record to form even a tentative view that from the recovered mobile phones, call detail records, or any retrieved data, it could be established that the petitioners had actually forwarded locations to any person across the border or had any direct linkage with Pakistani smugglers.

It is also an admitted position that no contraband has been recovered from the personal possession of any of the petitioners. The question as to whether the petitioners were actually involved in the alleged recovery of two parcels of heroin weighing 516 grams and 534 grams (totaling 1 kg 50 grams), or whether they had any conscious role in the alleged offence, cannot be determined at this stage. Mere alleged connectivity through mobile phones or implication on the basis of disclosure statements, without any independent corroborative material, would be a

matter to be examined during the course of trial.

In this regard, it is also noticed that petitioner – Gurpreet Singh @ Kala and petitioner – Lovepreet Singh @ Lovely were apprehended on the spot along with the main accused – Lovepreet Singh @ Love; however, the admitted case of the prosecution is that the contraband was recovered from the waist of the said main accused. Whether the present petitioners had any knowledge or conscious possession of the said contraband is again a matter to be established during trial.

Therefore, in the backdrop of the aforesaid facts and circumstances, and considering that no recovery has been effected from the present petitioners, this Court is of the considered view that they ought not to be detained in custody for an indefinite period.

Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. **Petitions stand disposed of.**

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

Photocopy of this order be placed on the files of other connected cases.

**(SANJAY VASHISTH)
JUDGE**

March 18, 2026

J.Ram

Whether speaking/reasoned: √ Yes/~~No~~

Whether Reportable: √ Yes/~~No~~