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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-53682-2025 (O&M)
Date of decision : 29.01.2026**

Gurdev Singh @ Rohit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rakesh Kumar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 04 dated 07.01.2025, registered under Sections 21(B), 21(C), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chheharta, District Amritsar.

2. As per the allegations, on 07.01.2025, co-accused Jugraj Singh @ Shiva was apprehended by a police party headed by SI Jagga Singh and recovery of 30 grams of heroin was effected from him. On interrogation, he disclosed that he along with his mother Simarjit Kaur, brother Navraj Singh @ Lalli and friend Dilpreet Singh was indulged in selling heroin from his house. The said persons were also nominated as accused in this case and were arrested. Accused Jugraj Singh @ Shiva suffered another disclosure statement on 09.01.2025 to the effect that the recovered contraband was purchased by him from one Manjit Singh @ Bhola and that previously also, he had

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purchased 02 kgs. of heroin from him through one Sandeep Singh. Manjit Singh @ Bhola was nominated as accused and was arrested on 09.01.2025 itself. Accused Jugraj Singh @ Shiva also got recovered 500 grams of heroin and drug money of Rs.10,000/- from a small drum lying in his residential house. Co-accused Sandeep Singh, who was already in custody in connection with some other FIR, was nominated as such in this case also and was formally arrested on 11.01.2025 by way of issuance of production warrants. He suffered disclosure statement admitting his involvement in the subject crime and also disclosed that he used to procure the contraband from border area by making Whatsapp calls to co-accused Manjit Singh @ Bhola and used to deliver the same to the present petitioner, who used to sell the same further. On the basis of the same, the present petitioner was nominated as accused in this case and was arrested on 12.01.2025. At the instance of the petitioner, recovery of 150 grams of heroin was effected. Some other persons were also nominated as accused subsequently. Investigation now stands completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of a series of disclosure statements of the above named co-accused, which cannot be considered to be admissible in evidence. A false recovery has been planted upon him after his arrest. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far.

Pendency of some other cases cannot be considered to be a ground for denying

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him concession of bail in the given circumstances. He is in custody since long. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered.

7. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, who himself was nominated on the basis of the disclosure statement suffered by another co-accused. The allegations against the petitioner are that he used to procure the heroin from co-accused Sandeep Singh through Manjit Singh @ Bhola and sell it further.

Recovery of 150 grams of heroin is shown to have been recovered from the

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petitioner, which admittedly does not fall under commercial quantity. The petitioner is in custody since 12.01.2025. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time as no prosecution witness has been examined so far. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No