



CRM-M-57397-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 23.03.2026

Hardeep Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Manbir Singh Basra, Advocate and
Mr. Anupinder Brar, Advocate
for the petitioner(s).
Mr. Manjinder Singh Bhullar, DAG Punjab

SANJAY VASHISTH, J. (Oral)

1. The instant second 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:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Hardeep Singh, aged 49 years	11	29.01.2022	Sections 307, 120-B IPC and Sections 25-54-59 of the Arms Act (Section 27- A/30/35 of NDPS Act, 1985 added later on)	Kalanaur	Gurdaspur

2. Case of the prosecution is that on 29.01.2022 ASI Balwinder Singh on receiving the information about the receiving the injury by HC Gian Singh reached at IVY Hospital Amritsar and recorded the statement of injured/complainant Gian Singh to the effect that he is posted as Head Constable 89 BN-BSF Dera Baba Nanak Chhikar Machhian (Headquarter) Gurdaspur. On 28.01.2022 he was on duty from 12.30 AM to 7.00 AM at 33/5S-BPL No.24 Chandu Wadala. At about 4.50 AM when he was on his duty. He saw some suspected persons who were



coming from the side of Pakistan at Bharat-Pakistan International Border. He gave a call to them that who are they. Who after hearing his voice with the intention to kill him started firing. Then one bullet entered and exited from his left arm wrist. In the injured condition he also fired and on hearing the sound of fire, Constable Raju Bishwas came near to him who also fired upon the suspects, but the person who had came from Pakistan returned back to Pakistan by taking benefit of fog. He came to know that from the side of India (Punjab) some persons had also came there to receive the articles of smuggling and they also became successful by running from the spot on hearing the sound of fire by taking benefit of fog. Constable Raju Bishwas informed the senior officers at the Headquarter who came at the spot and arranged the vehicle and got admitted him in IVY/Hospital, Amritsar and he got recorded his statement.

During investigation police received secret information that on 28.01.2022 in the morning in the village Chandu Wadala Dhussi Bandh Bharat-Pakistan Border where firing took place, persons namely Harnek Masih @ Neka, Lucky Teja, Hardip Singh and Rajwant Singh were moving in a white colour car i-20 No. PB- 06-AV-1507 in the area. On this, ASI Balwinder Singh alongwith his police party conducted Nakabandi and started checking. After some time, above referred car came, and same was driven by one person and some persons were sitting in the car. The car was stopped and persons travelling in the car brought out side and on asking they disclosed their name Harnek Masih @ Neka, Lucky Teja, Hardip Singh and Rajwant Singh. On search of the car from the dash board Rs. 2,50,000/- Indian currency were recovered. From the search of the accused persons five mobile phones also of different make were recovered and same were converted in separate parcels. Car was also taken in police possession.



3. As per disclosure statement of accused (i) Harnek Masih @ Neka, (ii) Lucky Teja, (iii) Hardip Singh, (iv) Rajwant Singh and (v) Patras Masih were already known to each other and earlier also three times, they procured heroin from Pakistan through smuggler namely, Billa and for that they used to take Rs.1,50,000/- for exchanging one packet.

4. On 28.01.2022, as per the timing and place of India, i.e. Jagga Chandu Wadala Boarder India – Pakistan was fixed and some persons were sent there by Billa Gurjar smuggler, near wiring of border, where there was heavy fog.

There BSF men started firing and on hearing the sound of firing, they had to run away from the fields. During exchange of fires BSF jawan suffered injury and on search of border 53.830 kg of heroin, 1.80 kg opium, 1 pistol China Narinco 0.30 along with two magazine, 44 cartridges, 1 pistol made Italy and due to firing between the smugglers of Pakistan and Army Men of BSF. Gian Singh became injured and on search of the border area 53.830 Kgs Heroin, 1.80 Kg Opium, one pistol China Narinco 0.30 alongwith two magazine, 44 cartridges, one pistol made Italy, one magazine alongwith ammunition 9X19 MM, 12 cartridges, AK 47 magazine 4, ammunition 7.62 MM X 39 MM cartridges 79 were recovered and in that regard separate FIR No.11/22 NCB Amritsar has been registered.

On the basis of the confessional statement of Harnek Singh, Lucky Teja, Hardeep Singh (petitioner herein) and Rajwant Singh were arrested on 30.01.2022.

5. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case, as his name surfaced in the case solely on the basis of the disclosure statement of a co-accused, which is otherwise not admissible in evidence as per settled principles of law.



It is further submitted that the petitioner was neither named in the FIR nor was any suspicion raised against him through any secret information, even qua his alleged involvement in the sale and purchase of narcotic substances.

Learned counsel further submits that petitioner was arrested on 30.01.2022 pursuant to the disclosure statement allegedly suffered by the co-accused; however, no narcotic substance, drug money, or weapon of any kind was recovered from his possession.

It is also submitted that one of the similarly situated co-accused, namely, Patras Masih, has already been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 27.02.2024 passed in CRM-M-23587-2022 (Annexure P-2). On the ground of parity with the said co-accused, learned counsel thus seeks concession of regular bail for the petitioner as well.

6. In compliance of direction issued by this Court on 05.02.2026, learned counsel for the petitioner has placed on record copy of order dated 20.03.2024 passed in CRM-M-13043-2024, vide which first bail petition was withdrawn by the petitioner after arguing, when the Court was not inclined to grant bail.

7. Learned State counsel argues that huge quantity of Heroin and Opium has been recovered in the instant case alongwith the fire arm and ammunition. However, learned State counsel could not controvert the plea that almost similarly situated co-accused Patras Masih, whose name was also disclosed on the disclosure statement of Harnek Masih @ Neka has already been granted bail by this Court vide order dated 27.02.2024 passed in CRM-M-23587-2022 (Annexure P-2).

8. As far as status of trial is concerned, learned State counsel informs that out of total 25 prosecution witnesses, only 08 witnesses have been examined,



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though petitioner is inside jail for the last 04 years, 01 month and 15 days, thus, obviously trial is moving at a very slow pace.

9. This Court has heard the submissions addressed by learned counsel for the parties and has carefully perused the record available before it.

10. Considering all the circumstances and especially slow pace of trial and almost similarly situated co-accused Patras Masih already stands released on bail, this Court deems it appropriate to consider the plea of bail of the petitioner also as genuine one at this stage.

11. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his 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.

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

13. 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.

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

15. Petition stands disposed of.

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

(SANJAY VASHISTH)
JUDGE

March 23, 2026

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No