

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

2026:PHHC:006751



CRM-M-59962-2025 (O&M).
Date of decision: 19.01.2026.

GURCHARAN SINGH ALIAS CHAND

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

Present :- Mr. P.S. Ahluwalia, Sr. Advocate, with
Mr. Deepinder Singh Virk, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail to the petitioner in case bearing FIR No.24 dated 02.02.2025, under Section(s) 21, 23, 21 (c), 27-A, 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chheharta, Amritsar.

Briefly summarized, the aforesaid FIR was registered on the basis of secret information received by ASI Kanwaljit Singh. The same reads thus: -

“Today I the ASI along with ASI Kewal Krishan 938, ASI Charanjit Singh 1485, Ct. Vishavpartap Singh 2411, L/Ct. Asha Kumari 1933 was present in Chowk Naraingarh G.T. Road, Chheharta Amritsar in official vehicle Bolero of Silver color No. PB65-E-1953 driven by ASI Amar Singh 3146, together with laptop, printer, investigation kit and arms and ammunition in connection with patrolling and search of anti social elements that secret informer came present and informed that Mantej Singh son of Baljinder Singh resident of village Burj Police Station Sarai Amanat Khan, Tarn Taran do the business of selling heroin, who is in contact with drug smugglers sitting in Pakistan and gets requisitioned caches of heroin from Pakistan in border districts of Punjab through drone and supplies in different areas of Amritsar City and other districts of Punjab. Today Mantej Singh aforesaid is standing on motor cycle Splendor of black color at turning of Ghanupur Kale Bye-pass Road waiting for some customer to supply heroin, who is wearing black color sweater and black color lower and has tied muffler on his head and ifraid is conducted immediately at turning of Ghanupur Kale Bye-pass, then Mantej Singh aforesaid can be apprehended together with motor cycle and heavy quantity of heroin can be recovered from him.”

Learned Senior counsel appearing on behalf of the petitioner contends that pursuant to the receipt of secret information, suspect Mantej Singh was nabbed by the police.

The police proceedings consequent upon registration of the FIR reads thus: -

“ASI Kanwaljit Singh along with accompanying officials reached Bye-pass India Gate, where Inspector Amolakdeep Singh

Incharge C.L.A. Staff-I, Amritsar along with gunmen staff met, who were joined in police party and ASI Kanwaljit Singh along with accompanying officials proceeded to the site disclosed by secret informer. When ASI Kanwaljit Singh along with accompanying officials reached turning of Ghanupur Kale Bye-pass, then a young man as described by secret informer was seen sitting on motor cycle Hero Honda Splendor of black color by parking the motor cycle on stand and one white color weighing polythene bag was lying on tank of motor cycle and on seeing the police party, he suddenly got perplexed and tried to start the motor cycle. I the ASI with the help of accompanying officials overpowered him and inquired his antecedents, who disclosed his name as Mantej Singh son of Baljinder Singh resident of village Burj 169, Police Station Sarai Amanat Khan, District Tarn Taran. Then ASI while informing about his identity to above said persons stated, "I ASI Kanwaljit Singh, am posted in CIA Staff-1 Amritsar and I am wearing uniform and name plate of my name is affixed on my uniform. I have got concrete information that you are having heroin and therefore, it is necessary to conduct your search and search of your motor cycle, but you have a legal right that you can get conducted your search through some Magistrate or some Gazette Officer, which I can arrange." At this, Mantej Singh aforesaid replied that he wanted to get conducted his search before some Gazette Officer. At this, Memo regarding legal right of Mantej Singh aforesaid was prepared as per law and whatsapp call was made by Insp. Amolakdeep Singh Incharge CIA Staff-1 to ACP/West Shivdarshan Singh on his mobile phone number and apprised him about the whole circumstances and requested him to reach the spot. At this, S. Shivdarshan Singh PPS/ACP/West along with his gunmen staff came present at the spot and while disclosing his identity to Mantej Singh aforesaid stated, "I Shivdarshan Singh am posted as PPS/ACP/West Amritsar City and am a Gazette Officer of Punjab Police in Govt. of Punjab. I am wearing uniform and my name plate of Shivdarshan Singh is affixed on my uniform. Concrete

information has been received that you are having heroin and therefore, it is necessary to conduct your search and search of your motor cycle, but you have a legal right that you can get conducted your search through some Magistrate or some other Gazette Officer, which I can arrange. You have also legal right to get conducted my search and search of my gunmen staff and vehicle." At this, Mantej Singh aforesaid stated that, "I have full faith on you and I want to get conducted my search before you."

At this, Memo regarding legal right of accused Mantej Singh was prepared. Videography of apprising Mantej Singh aforesaid about his legal right was got prepared through Ct. Vishavpartap Singh 2411 through e-Sakshya app in mobile phone of ASI. S. Shivdarshan Singh PPS/ACP/West directed to conduct search of Mantej Singh and his motor cycle Hero Honda Splendor Plus of black color bearing registration No. PB02-BJ-9195.

On 03.02.2025 at 12:00 AM before conducting search of Mantej Singh and his motor cycle, ASI tried to join public witness in police party but being thoroughfare, no witness joined the police party. Then ASI conducted search of Mantej Singh and his motor cycle in presence of ACI and accompanying officials as per procedure. The weighing polythene bag of white color lying on tank of motor cycle was opened and checked, whereupon recovered substance from one black color polythene envelope was checked with investigation kit and heroin was recovered from polythene envelope. Recovered heroin was weighed on electronic weighing scale, whereupon two kilograms 124 grams heroin together with polythene envelope was recovered. It was put in a plastic box together with polythene envelope and converted into a parcel and ASI sealed the parcel with his seal bearing superscription KS and ACP sealed the same with his seal SS. Specimen of seal KS/SS was prepared separately and seal after its use was handed over to Insp. Amolakdeep Singh Incharge CIA Staff-1 and ACP retained the seal with himself after its use. Recovered heroin's parcel containing 2 kilograms 124 grams heroin duly sealed with seals KS/SS, together

with specimen of seal, motor cycle Hero Honda Splendor of black color PB02BJ9195 were taken into police possession as proof vide memo regarding recovery. Spot inspection was conducted. Statements of witnesses were recorded under section 180 BNSS. ACP proceeded after giving appropriate instructions to police party. Accused Mantej Singh aforesaid was arrested after interrogation as per procedure.”

Learned Senior counsel contends that the petitioner has been nominated as an accused on the disclosure statement made by Mantej Singh to the effect that after the sale of the drugs, the money collected by him was delivered by him to the petitioner Gurcharan Singh on every Monday of the week at night near Amritsar Bus Stand. The attribution against the petitioner was to the effect that certain telephone numbers pertaining to Afghanistan were found in the mobile phone of the petitioner and a sum of Rs.15 lakhs was recovered. He contends that the petitioner has an export license and he used to supply textile and hosiery items to Afghanistan as well. Attention in this regard is invited to the bill of lading dated 28.06.2024. It is thus contended that the petitioner has business interests in Afghanistan; hence, the contacts would be there. A reference is also made to the certificate issued by the Chartered Accountant to the effect that the petitioner had a cash balance of Rs.19,26,936/-. It is contended that recovery of Rs.15 lakhs from the petitioner thus cannot be labelled as drug money. He argues with vehemence that apart from the testimony of Mantej Singh, no link establishes that Mantej Singh had in any manner been in contact with the petitioner. Besides, no reason has been assigned by the respondent, despite completion of the investigation, as to why the aforesaid amount was delivered by accused Mantej Singh to the petitioner, especially when there is no allegation that the drugs in question were supplied by the petitioner or that he

had any connection with the drugs. It is thus argued that these vital issues have remained unexplained despite the completion of the investigation. He submits that the petitioner is in custody since 03.02.2025 and has already undergone an actual custody for a period of more than 11 months. He is not involved in any other criminal case. The charges have been framed on 11.12.2025. It is contended that even though total 23 witnesses have been cited by the prosecution and the evidence has not commenced so far.

State counsel, on the other hand, submits that more than 2 kgs. of heroin had been recovered from the co-accused Mantej Singh and a disclosure statement of Mantej Singh was recorded wherein he specifically stated that the sale proceeds of the drugs used to be delivered by him to the petitioner herein. He is, however, not in a position to answer the specific query as regards the circumstances under which Mantej Singh used to deliver the money to the petitioner. Besides, various documents, viz., the certificates issued by the Auditors as well as the export licence and the bill of lading submitted by the petitioner in support of his contention of having business interests in Afghanistan, are not in dispute. The stage of the trial and the clean antecedents of the petitioner are also not in dispute.

Having heard the learned counsel for the parties and taking into consideration that no recovery has been effected from the petitioner, that the petitioner was nominated as an accused on the basis of the disclosure statement made by co-accused Mantej Singh, the stage of the trial and also the clean antecedents 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 his 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.

January 19, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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