



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-63771-2025 (O&M)

Date of decision: 09.01.2026

Davinder Singh @Bau

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

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

Present :- Mr. Gurvinder Pal Singh Gujral, Advocate for the petitioner(s).

Ms. Savi Nagpal, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This is the first petition for grant of regular bail to the petitioner(s) in case bearing FIR No.54 dated 25.02.2025, registered under Section(s) 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station STF, SAS Nagar.

2. Briefly summarized, the translation of the FIR reads thus:-

“Copy of Ruqa Statement of ASI Sukhdev Singh No 2402/LDH: Anti-Narcotics Task Force, Ludhiana Range aged about 53 years (Mobile No 98157-00534) stated that Am posted at Anti-Narcotics Task Force, Ludhiana Range. Today I alongwith you with ASI Munish Rayat No 3424/Ldh, ASI Makhan Singh Number 2171/Ldh, senior Sepoy Kuldip Singh number 487/Ldh and Sepoy Dhanraj Singh Number 3964/TSS in Government Vehicle make Bolero bearing registration



number PB-10-HF-1112 with driver Sepoy namely Deepak Kumar no 75/810 PAP were present at Gill Garden Road, Area PS Sadar, Ludhiana opposite Nankana Public School connection with drug pedlars, that meanwhile at about 7:30 PM secret informer gave me an information telephonically on my whatsapp that Rajvir Kumar alias Kamal son of Parminder Kumar resident of House no 551, Gali Number 02, Mohalla Azad Nagar, PS Daba, District Ludhiana aged about 20 years, who is indulged in business of selling the heroine since long time. Today he will go from this road to Ishar Nagar side for supplying the heroine to his clients on his Motorcycle make HERO EXTREME without bearing any registration number. In case, if checking is done by holding the check point in this area, then Rajvir Kumar alias Kamal can be apprehended with heavy quantity of contraband alongwith his motorcycle make HERO EXTREME. On basis of the secret information given by the secret informer, I prepared the report under section 42 of the NDPS Act. I will hand over the same to office Ld. Deputy Superintendent of Police, BRS Nagar, Ludhiana. I have already disclosed to you the facts on the basis of the information of heroine given by the secret informer which is correct and trustworthy. As per information of the secret informer, I have got recorded my statement before you. The contents of the statement have been heard, read over and the same are correct.



Action may be taken. Sd/ Sukhdev Singh, ASI Verified by Bhupinder Singh ASI Anti Task Force, Ludhiana Range. Dated 25.02.2025 Police Proceedings: -Today I ASI alongwith ASI Sukhdev Singh no 2402/LDH, ASI Munish Rayat No 3424/Ldh, ASI Makhan Singh Number 2171/Ldh, senior Sepoy Kuldeep Singh number 487/Ldh and Sepoy Dhanraj Singh Number 3964/TSS in Government Vehicle make Balero bearing registration number PB-10-HF-1112 with driver Sepoy namely Deepak Kumar no 75/810 PAP were present at Gill Garden Road, Area PS Sadar, Ludhiana opposite Nankana Public School connection with drug pedlars that ASI Sukhdev Singh no 2402/LDH himself prepared the report under section 42 of the NDPS Act regarding secret information received from the informer. Thereafter, ASI Sukhdev Singh 2402, also orally told me regarding the information of heroine received from the secret informer and as per information provided by the secret informer he got recorded his statement. His statement was got typed upon my private laptop from Sr. Constable Kuldeep Singh 487/LDH after dictating him the same. The same was read over to him, who admitted the contents of the same to be correct. The print out of the same was also taken with the help of the printer and inverter installed in Government vehicle. The same was signed by the ASI Sukhdev Singh 2402/Ldh in English. The statement was verified by ASI. The accused namely Rajvir



Kumar alias Kamal Son of Dharminder Kumar resident of House no 551, Gali Number 02, Mohalla Azad Nagar, PS Daba, District Ludhiana by keeping heroine into his possession for supplying the same to his clients has committed the offence under section 42 of the NDPS Act. After reducing the police proceedings into the writing and taking the print out of the same, the abovesaid statement is being sent through ASI Makhan Singh 2171/Ldh to PS ANTF for registration of the case under aforesaid offence against Rajvir Kumar alias Kamal. The number of the case may be informed after registering the same. Special reports may be sent to Ilqa Magistrate and officers. Control room may be informed through wireless ASI Sukhdev Singh 2402/Ldh was directed to leave after giving him the instructions. I ASI alongwith other officials is busy with the investigations at the spot. Today at the outskirts of Gill Garden Road, Area PS Sadar, Ludhiana opposite Nankana Public School, PS Sadar Ludhiana.”.

3. Learned counsel for the petitioner contends that co-accused/Rajvir Kumar @ Kamal was arrested by the Police for possession of 1.80 kg of *Heroin*. He contends that the petitioner has been nominated as an accused in the present case on the disclosure of said co-accused/Rajvir Kumar @ Kamal. He contends that the petitioner was already in custody much prior to that time and that there is no evidence to link the petitioner with the present case. He contends that the petitioner has been in custody in



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the present case since 07.08.2025. He contends that there is no chain of events as would link the petitioner with the commission of offence in the present case and that the investigation does not corroborate the participation of the petitioner in the present case.

4. Learned counsel for respondent-State contends that the petitioner is involved in other cases registered under the Arms Act, Indian Penal Code, 1860 and thus has criminal antecedents. She however does not dispute that the petitioner was already in custody when he was nominated as an accused in the present case and that as per investigation in the present case, he was known to main accused/Rajvir Kumar @ Kamal from whom the contraband was recovered.

5. Having heard the learned counsel for the parties and taking into consideration the facts that the petitioner was nominated as an accused in the present case on the disclosure of co-accused/Rajvir Kumar @ Kamal and that the petitioner was already in custody much prior to his nomination coupled with the period of actual custody undergone by the petitioner in the present case and that arguable issues, in relation to completion of chain of events as would link the petitioner with commission of offences in the present case arise for adjudication and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.



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7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. 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.

(VINOD S. BHARDWAJ)
JUDGE

09.01.2026
Mangal Singh

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