



CRM-M-70647-2025

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

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Decided on :27.02.2026

Ashwani Kumar alias Saffy

... Petitioner(s)

Versus

Union of India

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Parminder Singh Kanwar, Advocate for the petitioner.

Ms. Samridhi, Special Public Prosecutor, NCB.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case NCB crime No. 17/2025 dated 09.07.2025, under Sections 8, 21, 27-A and 29 of NDPS Act, registered at Police Station Narcotics Control Bureau, Amrtisar.

2. As per the prosecution case, on 09.07.2025, 90 grams of heroin was recovered from the possession of the main accused, namely Vishaldeep Singh @ Shakha and Lovepreet Singh @ Suraj, when both were apprehended together. Following their arrest, a disclosure statement was recorded in which the name of the petitioner was mentioned as the supplier of the recovered 90 grams of heroin.

3. Learned counsel for the petitioner submits that, except for the allegation of being a supplier based solely on the disclosure statement, there is no other connecting or substantive evidence linking the petitioner to the offence. Learned counsel for the petitioner further contends that no money trail was traced by the investigating agency during the investigation. Petitioner is in custody since 06.08.2025, and



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the process of recording statements of the prosecution witnesses has not yet commenced.

4. On the other hand, learned counsel for respondent-NCB submits that petitioner is a habitual offender and relies upon call detail records showing that petitioner was allegedly in contact with the main accused, Vishaldeep Singh and Lovepreet Singh. However, substance of these communications cannot be verified. Learned counsel, therefore, prays for dismissal of present petition.

5. I have heard learned counsel for the parties and perused the paper-book, along with the documents annexed thereto.

6. Considering the facts, the quantity of heroin recovered from the main accused, Vishaldeep Singh and Lovepreet Singh, is 90 grams, which is significantly less than the threshold for commercial quantity, i.e., 250 grams. While petitioner has allegedly been involved in other similar cases, as per the information furnished by the petitioner's counsel in paragraph No. 35, only five cases are currently pending, whereas in 11 other cases, the petitioner has already been acquitted.

The details of these cases are as under:

"Pending cases:

- i) FIR No 328 dated 30.11.2023 u/s 21/29 NDPS Act at PS City Tarn Taran and petitioner is on bail.*
- ii) FIR No 45 dated 28.3.2019 u/s 21 NDS Act at PS City Tarn Taran and petitioner is on bail.*
- iii) FIR No 73 dated 13.5.2019 u/s 21 NDPS Act at PS Sadar Tarn Taran and petitioner is on bail.*
- iv) FIR No 48 dated 5.3.2025 u/s*



103/111/111(5)/249/253/61(2) BNS and Section 25(6)(7) Arms Act at PS City Tarn Taran and petitioner is in custody.

v) FIR No 200/2024 u/s 25 Arms Act at PS City Tarn Taran and petitioner is on bail.

Acquittal/Decided Cases:

i) FIR No 249 dated 26.10.2010 u/s 324 IPC at PS City Tarn Taran.

ii) FIR No 10 dated 19.1.2011 u/s 21 NDPs Act at PS City Tarn Taran.

iii) FIR No 117 dated 10.5.2011 u/s 21 NDPS Act at PS City Tarn Taran.

iv) FIR No 222 dated 10.10.2011 u/s 307/326/323/427/506/148/149 IPC at PS City Tarn Taran.

v) FIR No 53 dated 22.7.2012 u/s 307/324/323/34 IPC and Section 25 Arms Act at PS Khilchian, Amritsar.

vi) FIR No 94 dated 24.5.2014 u/s 302/148/149 IPC at PS Patti, Tarn Taran.

vii) FIR No 155 dated 13.6.2014 u/s 307/324/323/34 IPC and Section 25 Arms Act at PS Sadar Tarn Taran.

Viii) FIR No 245 date 15.11.2014 u/s 399/402 IPC at PS Sadar Tarn Taran.

ix) FIR No 278 dated 2.11.2014 u/s 307/427/34 IPC and Section 25 Arms Act at PS Sultanwind, Amritsar.

x) FIR No 292 dated 4.8.2014 u/s 307/326/148/149 IPC at PS Civil Lines, Amritsar.

xi) FIR No 89 ddated 11.5.2017 u/s 174-A IPC at PS City Tarn Taran.”

Thus, from the aforementioned details, it is evident that in the majority of cases, petitioner has already been acquitted. Therefore, no definite conclusion can be drawn regarding the petitioner’s involvement in similar offences without firm evidence and a conviction by a

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competent Court. Moreover, petitioner's alleged involvement in the present case is based solely on the disclosure statement of the co-accused, and his role is yet to be independently established. The relevance of the CDR records relied upon by the prosecution/NCB can only be determined by leading connecting evidence to substantiate the petitioner's alleged role.

In view of the foregoing, present petition is allowed and 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.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

27.02.2026***Rashmi****Whether speaking/reasoned:* Yes/No*Whether Reportable:* Yes/No