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

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Decided on : 14.01.2026

Abhyansh Tuli

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gautam Dutt, Sr. Advocate with
 Mr. Rahul Arora, Advocate and
 Mr. Yajur Mago, Advocate
 for the petitioner.

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. Petitioner- Abhyansh Tuli, aged 22 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No.31 dated 25.09.2024 registered under Section 21 of NDPS Act and Sections 25 and 27 of Arms Act (Section 29 NDPS Act added later on vide GD No.17 dated 27.09.2024 added later on), at Police Station Fatehgarh Panjtoor District Moga.

2. As per case of prosecution, on 25.09.2024, there was a secret information with the police team that three persons namely Lovejeet Singh @ Lovely, Manpreet Singh @ Manni and Gurpreet Singh @ Gopi are engaged in the business of selling heroin and today, all the three persons are carrying huge quantity of heroin on their scooter Activa Honda bearing registration No.PB-02-CY-4615 for its further sale to the customers. Informant further apprised



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that if raid is conducted, huge recovery of contraband/heroin can be affected from all three of them.

On the basis of said secret information and before affecting actual recovery of contraband, the FIR in question was got registered by sending ruqa to police station through PHG Gurdit Singh No.11354. Further the case of the prosecution is that thereupon, a scooter boarded by all the three persons were intercepted by the members of police team and thereupon from the dicky of the scooter, which was driven by one of the accused namely Manpreet Singh @ Manni, 500 grams of heroin was recovered along with one pistol and three live cartridges.

3. Learned Senior counsel for the petitioner by referring the disclosure statements of all the three accused submits that name of the petitioner was disclosed by Manpreet Singh @ Manni in his disclosure statement stating therein that recovered contraband was delivered to them by two persons namely Khushkarman Singh and Parabhjit Singh and they were further going to deliver the same to one Jagpal Singh and **Abhyansh Tuli (petitioner herein)**. Learned Senior counsel further argues that the petitioner has been made scape goat just only to increase the number of accused and to harass him and his family members unnecessarily. The petitioner, who is a young boy of 22 years, was never found indulged in similar activities. Rather, coming to know of his involvement, petitioner himself surrendered on 07.11.2025 and since then, he is inside the jail. Learned Senior counsel further submits that challan has already been submitted on 29.11.2025 and proceedings in trial have also commenced. The prosecution has to produce



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total 18 witnesses and conclusion of trial is likely to take considerable time. Neither there is any monetary transactions in the bank account of the petitioner through the accused persons including Manpreet Singh @ Manni, nor there is any regular connectivity between them, he being innocent, be granted bail.

4. On the other hand, learned State counsel submits that the petitioner is found indulged in a serious offence. He also concedes to the submissions of the learned Senior counsel for the petitioner that after surrendering by the petitioner to the Court, he was subjected to police remand but nothing was recovered at his instance. Learned State counsel further informs that out of total 18 prosecution witnesses 10 have already been examined and three are yet to be examined. However, it is clarified that the said trial is not qua the present petitioner because he surrendered much later to the submissions of the earlier challan on 07.02.2025. However, proceedings in pursuance to the challan dated 29.11.2025 are yet to start.

5. I have considered the contentions made by learned counsel for the parties and perused the relevant material available on record.

6. Similar allegations were there against the co-accused of the petitioner namely Jagpal Singh, who has already been granted bail by this Court vide order dated 26.03.2025 passed in CRM-M-598-2025 (Annexure P-6) by the Coordinate Bench of this Court. In the order granting bail qua Jagpal Singh, it has been specifically noticed by the Bench that *“the evidence collected so far consists of disclosure statements and the petitioner’s confession without discovering any facts. Such a statement can be proved subject to the mandatory restrictions imposed in Sections 25 and 26 of the*



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Indian Evidence Act, 1872/Section 23 of BSA, 2023.” Reliance was also placed upon the case of ***Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1.***

7. Proceeding further, this Court also notices the fact that once, as per the disclosure statement, accused Manpreet Singh @ Manni had disclosed that the contraband of 500 grams of heroin was to be delivered to the petitioner and co-accused Jagpal Singh, the investigating officer could have proceeded further for actual delivery to the present petitioner to authenticate the version of the disclosure statement of co-accused Manpreet Singh @ Manni. Therefore, prosecution would be required to prove beyond doubt that petitioner was having complete knowledge/conscious possession of the recovered contraband. Until, such aspect is proved beyond the shadow of doubt (though subject matter during trial), culpability of the petitioner in the present crime cannot be opined by giving any definite view. Therefore, I deem it appropriate to consider the plea of bail of the petitioner.

8. 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/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

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



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10. 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.

11. 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. Case.

Petition stands disposed of.

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

(SANJAY VASHISTH)
JUDGE

January 14, 2026
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Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO