



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
216
CRM-M-50860-2025
Decided on : 11.12.2025
HARJINDER SINGH ALAIS AJAY
.....Petitioner
Versus
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rajiv Kumar Saini, Advocate,
for the petitioner.
Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant 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 |
|------------------------|---------|------------|---|--------------------|--------------------|
| Harjinder Singh @ Ajay | 22 | 21.01.2025 | 21-C, 25, 29, 27-A of NDPS Act and section 201 of IPC | Special Task Force | STF Wing, Amritsar |

2. To understand the involvement of the accused and recoveries effected from them, relevant facts are noticed from the order dated 12.05.2025, passed by the Co-ordinate Bench of this Court in CRM-M-16156-2025, which are recorded here under:-



(i) Accused – Harjinder Singh @ Ajay (petitioner herein) and Harmanjeet Singh @ Harry were arrested on 22.01.2025 and alleged recovery of 263 grams heroin alongwith Rs.5,60,000/- (drug money) was effected from Scooter (Activa), on which they were travelling.

(ii) During investigation, on the basis of disclosure statement made by above mentioned accused, four other persons were nominated in this case, and which are as under:-

- a) Harminder Singh @ Harry;
- b) Tanush Setia;
- c) Saurav Mahajan; and
- d) Harbhej Singh @ Bheja.

(iii) Tanush Setia was arrested on 22.01.2025 and during investigation, alleged drug money to the tune of Rs.23,00,000/- was recovered from him.

(iv) On the same day, Harminder Singh @ Harry and Saurav Mahajan were arrested and alleged recovery of Rs.24,50,000/- along with currency counting machine, one Motorcycle Make 'Bullet' and a car was effected from them.

(v) On 23.01.2025, above mentioned accused Harminder Singh @ Harry nominated two other persons, i.e. (1) Vinod Kumar @ Nona and (2) Harish Kumar @ Hari.

(vi) On 24.01.2025, Harmanjeet Singh @ Harry nominated two other persons viz:-

- a) Sagar from whom Activa Scooter and Rs.5,00,000/- were allegedly recovered;
- b) Lovedeep Singh @ Lala from whom 160 grams heroin is alleged to have been recovered.

(vii) On 17.03.2025, after receipt of some other secret information, one Sunil @ Amit Bansal as well as Ashok Kumar Sharma were nominated, and on 18.03.2025, alleged recovery of 20,000 Euro, 10,000 British Pound and



10,020 Canadian Dollars was effected from his residence at Phagwara.

(viii) On 18.03.2025, Ashok Kumar Sharma allegedly nominated five other persons i.e. (1) Vipin Sidana, (2) Rajesh Kumar @ Bobby, (3) Manoj Sharma @ Goga (4) Rajnish @ Bunty and (5) Sahil Preet.

(ix) In this way, as on today, there are total 17 accused arraigned in the present case.

6. Status report(s) dated 11.12.2025 by way of an affidavit(s) of Ravisher Singh, PPS, Deputy Superintendent of Police, Anti-Narcotics Task Force, Border Range Amritsar have been filed on behalf of respondent-State. The same are taken on record. Registry is directed to tag the same at the appropriate place on the file.

7. Counsel for the petitioner points out that on conducting the chemical examination, the recovered heroin of 263 grams was not actually found to be heroin and this fact has been admitted by respondent-State in paragraph No.6 of the status report.

For reference, paragraph No.6 of the status report is reproduced here under:-

“(6) Status of Investigation

That the investigation of the present case is still continuing. The Challan/Report under Section 173 Cr.P.C./193 BNSS was filed before the Learned Trial Court on 17.07.2025 against the following accused persons: Harjinder Singh @ Ajay, Harmanjit Singh @ Harry, Sagar, Lovedeep Singh @ Lala, Harbhej Singh @ Bheja, Harminder Singh @ Harry, Tanish Setia, Saurav Mahajan, Ashok Sharma, Amit Bansal @ Sunil, Rajpal Sethi, and Rajesh Kumar @ Boby. Remaining accused persons are yet to be arrested, and a supplementary challan shall be filed after their arrest. The first sample of the recovered contraband weighing 263 grams of heroin was reported negative as per the FSL report.



*Thereafter, the prosecution submitted an application dated **01.07.2025** before the Hon'ble Court of Sh. Rajwinder Singh, Additional Sessions Judge, Amritsar, requesting **Retesting of the sample** of 263 grams of heroin, which is still pending for consideration on 09.01.2026.”*

9. From the possession of the petitioner, namely Harjinder Singh alias Ajay, recovery of 263 grams heroin alongwith Rs.5,60,000/- (drug money) was effected from Scooter (Activa).

From the possession of co-accused namely Rajpal @ Sethi, Indian as well as foreign currency amounting to Rs. 22 lakhs, along with one mobile phone, was recovered and from the possession of co-accused, namely, Sagar, one activa scooter and Rs.5 lakhs were recovered during investigation, and all the above mentioned accused persons, namely Sagar, Harminder Singh alias Harry and Rajpal @ Sethi, have already been granted the concession of regular bail by this Court, vide common order dated 05.08.2025 (Annexure P-4).

Qua one of the accused namely Ashok Kumar Sharma, proceedings have already been quashed, by declaring his arrest as illegal, vide order dated 12.05.2025, passed in CRM-M-16156-2025 (Annexure P-3).

10. One of the accused namely Vinod Kumar, whose name was also disclosed in the disclosure statement of co-accused, nothing was recovered from him and he has been granted the concession of bail by this Court in CRM-M-22621-2025, vide order dated 25.07.2025.

Thus, on the basis of parity, counsel prays for grant of regular bail to the petitioner in the present case.



11. On the other hand, learned State counsel is unable to controvert any of the factual submissions apprised by counsel for the petitioner, or even nothing has been highlighted to show that the documents referred by counsel for the petitioner are not applicable for considering the plea of bail of the petitioner.

Investigation *qua* all of the accused persons is complete and thereupon, final report was submitted on 18.07.2025 and process of recording of statement is yet to start.

12. After hearing learned counsel for the parties and perusing the relevant material on record and the documents appended, including the earlier orders passed by this Court.

13. *Prima facie*, it appears that it will be heavily upon the prosecution firstly to prove that the contraband recovered in the case (allegedly heroin) is covered under the NDPS Act. Moreover, co-accused persons (as mentioned here above) have already been granted the concession of regular bail by this Court.

14. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of bail to the petitioner.

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.



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

16. Any of the discussion done and recorded here above, 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.

17. 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.

18. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.12.2025
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO