

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-695-2025
Date of Decision: 03.04.2025

DARSHAN SINGH ALIAS DARSHIPetitioner(s)

VERSUS

STATE OF PUNJABRespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Munish Garg, Advocate for the petitioner.
Mr. Vinay Kumar Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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
Darshan Singh Alias Darshi	101	13.09.2021	22 of NDPS Act (Section 29 of NDPS Act added later on)	Tapa Mandi	Barnala

2. Learned counsel for the petitioner contends that as per FIR, there is a recovery of 8000 tablets of tramadol from the motorcycle bearing No.PB 32-E-9745, being driven by Kamal Singh s/o Gora Singh (main accused) and thereupon, the present FIR was registered on 13.09.2021. Subsequently, as per police case on the basis of alleged disclosure

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statement on 16.06.2021 of the arrested accused Kamal Singh, name of the petitioner was involved in the present case.

Counsel further submits that vide order dated 29.03.2023 (Annexure P-3) passed in CRM-M-47244-2021, main accused Kamal Singh has already been granted the concession of regular bail by noticing the custody period of 01 year 05 months and 27 days.

Counsel points out that vide order dated 25.04.2023 (Annexure P-4) passed in CRM-M-19076-2023, main accused Gora Singh, has also been granted regular bail by noticing the custody period of 01 year 07 months and 09 days and other relevant factors.

Counsel also points out that police of police Station Barnala had in fact issued a police clearance certificate on the letter head of office of **“Office of Sr. Supdt. of Police Barnala, Punjab, (India)”** dated 29.11.2021 (Annexure P-2). Thus, involvement of the petitioner is completely beyond truth, therefore, prays for grant of bail.

3. On the other hand, learned State counsel appearing on advance notice, while filing reply along with custody certificate dated 02.04.2025, submits that recovery is of huge quantity, therefore, petitioner does not deserve any leniency for the purpose of grant of bail.

However, on being asked by the Court, learned DAG Punjab, could not point out, if the petitioner is ever found to be involved in any other similar activity, punishable under the NDPS Act. By referring to para-6 of the reply, learned DAG Punjab, also submits that petitioner was arrested on 28.08.2024 and apart the disclosure statement of co-accused Kamal Singh, an extra judicial confession (EJC) with Balwinder Singh, there is no other evidence available against the petitioner such as call detail



records etc, showing direct connectivity of the petitioner with the arrested accused.

Learned State counsel is also unable to dispute the fact, which is available on record that co-accused and main accused namely Kamal Singh and Gora Singh, have already been granted bail by the Co-ordinate Bench of this Court.

In addition, it is also informed to the Court that petitioner is there inside jail for a period of more than 07 months.

4. I have heard learned counsel for the parties and gone through the record with their able assistance.

5. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

6. 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.

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

7. The observation made hereinabove 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.



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10. 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.
11. Petition stands disposed of.

April 03, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

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