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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-28817-2025 in/and
CRM-M-1070-2025
Date of decision: 28.07.2025

Baljit Singh @ Billa

....Petitioner

Versus

NCB Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Yashpal Thakur, Advocate
for the applicant/petitioner.Mr. Rajiv Sharma, Special Public Prosecutor with
Ms. Indu Bala, Advocate
for the respondent-NCB.**HARPREET SINGH BRAR, J. (ORAL)****CRM-28817-2025**

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for correction by way of addition of Sections 25/28 of the NDPS Act (added subsequently) in the head note of main petition.

In view of the averments made in the application, the same is allowed and Sections 25/28 of the NDPS Act are ordered to be incorporated in the head note of the main petition.

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The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing crime No.40 dated 22.08.2019 under Sections 8/15/29/60 of the NDPS Act (Sections 25/28 of the NDPS Act added subsequently) registered at Police Station NCB Chandigarh, Mohali, Punjab.



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Summarily, the facts of the case are that on 21.08.2019 at around 06:30 PM, on the basis of secret information, a truck bearing registration No. PB-65-AJ-0371 was found parked near Gholu Majra, Ambala Chandigarh Road by the NCB officials. Thereafter, at about 07:40 PM, a car bearing registration No. CH-01-AT-0749 make Etios came there and two persons alighted from the said car and started talking with the persons sitting in the above said truck. Thereafter, the said person again sat in their car and the said truck also got started and the NCB officials apprehended the said two vehicles. On interrogation, the driver of the truck disclosed his name as Gurmeet Singh and person sitting on the conductor seat disclosed his name as Gurminder Singh. The persons travelling in the car disclosed their names as Amrinder Singh and Supinder Singh. On the basis of secret information regarding poppy husk in the said truck, all the accused got perplexed and firstly they denied the same, but then the driver and conductor of the said truck disclosed that they have concealed about 350 kg of poppy husk under the sanitary material loaded in the said truck. It is further alleged that poppy husk was to be unloaded at some place in Derabassi known to said Amrinder Singh and Supinder Singh and further disclosed that they have brought the poppy husk for delivering it to the petitioner. Thereafter, during search, 351.910 kgs of poppy husk was recovered and thus, the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. Admittedly, the alleged contraband was recovered from the conscious possession of co-accused, namely, Gurmeet Singh and Gurminder Singh. The petitioner has been nominated as an accused only on the basis of disclosure statement made by co-



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accused which has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Indian Evidence Act. There is no other material except the disclosure statement to prove the conscious possession of the petitioner over the recovery of the alleged contraband and the main accused, namely, Gurmeet Singh and Gurminder Singh, from whose conscious and exclusive possession the contraband has been recovered, have been granted the concession of regular bail by this Court vide common order dated 26.04.2023 passed in CRM-M-20722-2021 titled as 'Gurminder Singh @ Gurvinder Singh Vs. Union of India' (Annexure P-6) and all the accused except the petitioner are on bail. He further relies upon the medical certificate (Annexure P-3) issued by the Post Graduate Institute of Medical Education and Research, Chandigarh and contends that the petitioner is suffering from chronic psychiatric problem which has damaged the reasoning power of mind completely. The petitioner is behind the bars since 03.08.2024.

The learned Public Prosecutor has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the complicity of the petitioner is duly established and as per the disclosure statement made by co-accused, the petitioner was to take the delivery of the contraband recovered from the co-accused and further, he has been in constant touch with the co-accused as evident from the call details in possession of the Investigating Officer. The petitioner is also involved in one more case under the NDPS Act, as such, he is not entitled to any relief. However, he could not controvert the fact that out of 19 prosecution witnesses, not even a single witness



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has been examined.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 03.08.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 19 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. Further, it would be a moot question to be determined by the learned trial Court whether the petitioner can be held liable for keeping in conscious



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possession the contraband recovered in the present case. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in '**Prabhakar Tewari Vs. State of U.P. and another**' 2020 (1) R.C.R. (Criminal 831) and '**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another**', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Baljit Singh @ Billa, is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

28.07.2025

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