



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

308

CRM-M-8296-2025

Date of decision: 16th September, 2025

Pawanpreet Singh @ Titu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Vivek Sharma, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 161 dated 24.10.2024 registered under Section 21(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') (Section 29 of NDPS Act added later on) at Police Station SAS Nagar, Mohali.

2. As per the allegations, on 24.10.2024, on the basis of a secret information, the accused Jaspal Singh @ Jajj was apprehended and 270 grams of *heroin* had been recovered from him which was taken into possession. The accused Jaspal Singh was formally arrested and interrogated. He suffered disclosure statement to the effect that he had been purchasing *heroin* from the petitioner from the last 8-9 months and was



selling it further. The petitioner was nominated as an accused. The investigation revealed that there was exchange of 636 calls between the petitioner and the co-accused during the period from 01.03.2024 to 24.10.2024. The petitioner was arrested on 07.12.2024. He too suffered disclosure statement admitting sale of contraband to the co-accused. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him. He has been in custody since 07.12.2024. He was not named in the FIR. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner who was supplier of contraband to the co-accused. He has criminal antecedents as one case under the provisions of NDPS Act and several other cases under the provisions of Indian Penal Code, are pending against him. There are chances of his absconding or committing the similar offences, if extended benefit of bail. There was call detail record between him and the co-accused Jaspal Singh. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The well settled proposition of law is that the Court while



considering an application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Jaspal from whom recovery of commercial quantity of contraband i.e. *heroin* has been effected. As per his disclosure statement, he had sourced the contraband from the petitioner. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. Though as per the allegations, there was call detail record of the phones of the petitioner and the co-accused showing that prior to the incident there were



exchange of 636 phone calls between them. It is well established that mere call details, without the transcript of the conversations exchanged between the accused persons, would not be considered to be corroborative material in absence of substantive material found against them. In so far as the money transactions are concerned, the fact as to whether, the same were with regard to purchase of contraband can only be ascertained after the entire evidence is led and not at this stage. The petitioner has clean antecedents. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since 07.12.2024. Challan has been presented but even charges have not been framed. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance



without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*