



CRM-M-25964-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25964-2025

Date of Decision: 24.09.2025

JASPREET SINGH ALIAS PREET

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Armaan Gagneja, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is the first application under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.279, dated 13.12.2024 (Annexure P-1), registered at Police Station Sadar Faridkot, District Faridkot, under Sections 21(c) of NDPS Act, 1985 (offence under Section 29 of NDPS Act added later on).

2. Status report by way of affidavit dated 16.09.2025 of Tarlochan Singh, PPS, Deputy Superintendent of Police, Sub-Division Faridkot, District Faridkot filed on behalf of the respondent-State is taken on record. Registry is directed to tag the same at an appropriate place.

3. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

4. Brief facts of the prosecution case are that on 13.12.2024, one Rajbir Singh was apprehended by police party headed by ASI Parminder Singh and 1 kg 48 grams heroin was recovered from his possession. During interrogation, he disclosed that two more persons Vinay Heer and Jaspreet Singh @ Preet (petitioner) are involved with



him in the sale and transportation of heroin and said Jaspreet Singh @ Preet is confined in Central Jail, Faridkot and he is instrumental in establishing links with other smugglers of heroin. During investigation, it was revealed that Jaspreet Singh @ Preet was using a virtual number on his Whatsapp and other accused used to connect him on his virtual number. Petitioner was nominated as an accused in this case vide DDR No.18 dated 16.12.2024 and he was arrested on 23.12.2024. After completion of investigation, final report was presented in the Court for trial.

5. Learned counsel for the petitioner contended that petitioner has been falsely implicated in the present case. He has been nominated as an accused on the basis of disclosure statement suffered by main accused namely Rajbir Singh from whom 1 kg 48 grams heroin was recovered. However, the said disclosure statement is not admissible in evidence and cannot be used against him. No contraband has been recovered from the possession of petitioner. Learned counsel further contended that the prosecution has alleged that petitioner while being confined in Central Jail, Faridkot was in touch with the main accused through virtual mobile number but no such virtual number has been taken into possession and no call details have been collected. Petitioner is in custody 23.12.2024. Out of 18 witnesses cited by the prosecution, none has been examined till date and in view his long incarceration, petitioner may be released on bail.

6. On the other hand, learned State counsel has opposed the bail and argued that petitioner has committed a heinous offence and he is the kingpin and was indulging in sale of heroin through other smugglers while he was confined in Central Jail, Faridkot and he does not deserve



concession of bail.

7. A Co-ordinate Bench of this Court in **Anshul Sardana versus State of Punjab**, passed in CRM-M-65094-2024 (2025:PHHC:004198), after relying upon the law laid down by the Hon'ble Supreme Court in Tofan Singh versus State of Tamil Nadu, AIR 2020 Supreme Court 5592; Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau, 2024 INSC 290; State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.', 2022 (1) RCR (Criminal) 762; and Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:

"6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law.

However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under



which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected."

8. Petitioner is in custody since 23.12.2024 and his name has cropped up in the disclosure statement of main accused namely Rajbir Singh, from whom 1 kg 48 grams heroin was recovered. No contraband has been recovered from the possession of petitioner. However, the said disclosure statement is not admissible in evidence and cannot be used against him. Petitioner while confined in Central Jail, Faridkot was in touch with the main accused through virtual mobile number but no such virtual number has been taken into possession and no call details have been collected. As to how much evidentiary value will be attached to the said disclosure statement will be seen during the trial. Trial is likely to take sufficiently long time to conclude and no useful purpose will be served to detain the petitioner in custody.

9. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

24.09.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No