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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-26490-2025 (O&M)
Date of decision: 20.05.2025

Jagdev Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 238 dated 16.05.2021, registered under Sections 21, 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Barnala, District Barnala. The previous petition, bearing number **CRM-M-63065-2024**, was dismissed as withdrawn on 19.12.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 16.05.2021, on the basis of a secret information, co-accused Lovepreet Singh @ Gora and Pinder Singh were apprehended by the police party and recovery of 30 grams of heroin and drug money of Rs. 3,55,000/- was effected from them. Thereafter, on 18.05.2021, 270 grams of heroin was further recovered from co-accused Pinder Singh and then on 22.05.2021, 25 grams of heroin was also recovered from co-accused Lovepreet Singh @ Gora. On the basis of the

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disclosure statements suffered by the co-accused, several other persons including petitioner were also nominated in this case. The petitioner was arrested on 17.09.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The petitioner was neither named in the FIR nor was found at the spot. He has been implicated in this case on the basis of the disclosure statement of co-accused Gurmeet Singh, who himself was nominated on the basis of the disclosure statement of another co-accused. It is well settled law that the disclosure made by a co-accused is not admissible in evidence. The petitioner is not involved in any other case. No subsequent recovery was effected from him. Main accused Lovepreet Singh @ Gora and Pinder Singh have already been granted concession of bail by this Court, vide orders 11.05.2022 and 21.12.2023, passed in **CRM-M-30751-2021** and **CRM-M-40495-2023**, respectively. Co-accused Mandeep Singh @ Mani, Yadwinder Singh @ Yaadu and Gaurav Singh @ Sawan Golu have also been granted concession of bail by this Court. On the ground of parity, the petitioner too deserves the same benefit. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 17.09.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. *Per contra*, learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was actively involved in commission of subject crime along with the co-accused. Hence, it is urged that

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the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement of co-accused Gurmeet Singh, who himself was nominated on the basis of the disclosure statement of another co-accused. Main accused from whom the alleged recovery of the contraband was effected have already been granted concession of regular bail by this Court. Not only this, a perusal of the record reveals that several similarly situated co-accused have also been granted concession of bail by this Court. The petitioner is in custody since 17.09.2024. He is not shown to be involved in any other case. Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.05.2025*Waseem Javed***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*