

2025:PHHC:136954



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

CRM-M-33486-2025
Reserved on: 09.09.2025
Pronounced on: 29.09.2025

Narinder Singh @ Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
22	22.05.2025	Mattewal, District Amritsar	22, 29 of NDPS Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 8 of reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	78	23.04.2021	307, 323, 34 IPC	Civil Lines Batala

3. The facts and allegations are taken from the translated copy of FIR, Annexure P-1, as per which based on a chance recovery, the police had seized 80 pills from the main accused Paramjit Singh. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and BNSS, 2023.

4. During the custodial interrogation, the co-accused named the petitioner as the seller of the drugs, and based on this confession, the investigator arraigned him as an accused. The petitioner approached the Sessions Court for anticipatory bail, which was denied.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the

petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

7. The State's counsel opposes bail and refers to the status report.

8. It shall be appropriate to refer to paragraph 5 of the status report dated 08-07-2025, which reads as follows:

“Role of the petitioner

5. That as per the prosecution version, the petitioner is actively involved in selling intoxicant tablets. Moreover, the co-accused Paramjit Singh alias Pamma has disclosed that he used purchase intoxicant tablets from the petitioner.”

9. It would be appropriate to refer to following paragraphs of the status report dated 15-08-2025, filed by Sr. Superintendent of Police, which read as follows:

“7. That thereafter, the CDRs of mobile number being used by the petitioner, the bank account statement of the petitioner were obtained and were examined/analysed by the investigating officer in a detailed manner and the statements of the people residing in the village of the petitioner were also got recorded.

8. That during the questioning to the co-accused namely Paramjit Singh, he disclosed that he was in contact/touch with the present petitioner namely Narinder Singh Chand by way of whatsapp and other social media platform

9. That the following points have come on record on the perusal of the above-mentioned record-

i. CALL DETAIL RECORD (CDRS)

- That on the analysis of the CDR of the petitioner Narinder Singh Chand, no evidence has come on record which shows that the petitioner was in regular contact with the co-accused Paramjit Singh @ Pamma.

- That the petitioner was actively using another mobile number, which was registered in the name of his father Nirmal Singh, however, nothing evident has come on record which proves that petitioner was in regular contact with the co-accused Paramjit Singh @ Pamma from the other mobile number as well.

ii. BANK STATEMENTS

- That the bank account statements of the petitioner were obtained and it was found that the petitioner is a proprietor of a medical store namely 'Narinder Medical Store' situated at Village Arjan Manga, Tehsil Baba Bakala, Amritsar.

- That the bank account in Punjab Gramin Bank, linked with the medical store is registered in the name of the petitioner, and there are a huge number of transactions in the said statement, however, no financial

transaction between the petitioner and the co-accused have come on record, on the analysis of the bank account. That the petitioner also has another account in HDFC Bank, however, on the analysis of the statement of the said bank account it has been found that the account is not active and the petitioner has not used the account to receive or send money since 01.01.2025.

iii. STATEMENT OF NEIGHBOURS

- That the statements of various individuals including the sarpanch and the gram panchayat members were got recorded and on the perusal of the statements, it has come on record that the neighbours have stated that they have not seen the petitioner Narinder Singh @ Chand involved in the sale of intoxicating substances/pills and has also not been named as an accused in any other FIR.”

10. Thus, the evidence collected so far consists of disclosure statements. Such statements can be proven subject to the mandatory restrictions imposed in S. 25 & 26 of the Indian Evidence Act, 1872/ S. 23 of BSA, 2023.

11. In *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1, the majority view of a three-member bench holds as follows:

We answer the reference by stating:

(i) That the officers who are invested with powers under section 53 of the NDPS Act are “police officers” within the meaning of section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act.

(ii) That a statement recorded under section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS Act.

12. The status report filed by the police reveals that the investigator arraigned the petitioner as an accused based on the disclosure statement of the main accused, from whose possession the investigator had recovered the contraband. No other evidence is collected at this stage to connect the petitioner with the main accused. Thus, there is no justification to deny bail. Consequently, the petitioner has satisfied the first rider of section 37 of the NDPS Act. Regarding the second rider of S. 37, this court will put very stringent conditions in this order to ensure that the petitioner does not repeat the offense.

13. For now, the petitioner has prima facie satisfied the first condition of section 37 of the NDPS Act to make a case for bail. Regarding the second rider of S. 37, this court will put very stringent conditions in this order to ensure that the petitioner does not repeat the offense.

14. In *Roji alias Dimpri v. State of Punjab*, SLP (Crl.) 8976-2023, decided on 13-09-2023, Hon’ble Supreme Court holds,

The petitioner is accused of committing the offence punishable under Sections 21(a) and 21(b) of the Narcotic Drugs and Psychotropic Substances Act; based on the statement of the co-accused from whom a commercial quantity (274 grams) of contraband was seized. Aside from the statement of that co-accused – who implicated the petitioner by alleging that he had sold 126 grams to her, in fact there is no other material on the record. The prosecution, prima facie seems to rely entirely upon the statement of the co-accused and the recovery of the 274 grams from him.

It is a matter of record that the petitioner had joined the investigations and has cooperated in that regard.

Having regard to all these circumstances, this Court is satisfied that the petitioner should be granted anticipatory bail and is accordingly directed to be enlarged on anticipatory bail subject to such terms as the Trial Court may impose.

15. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

16. A perusal of the order dated 18.06.2025 of rejection of bail, and the replies filed, do not refer to the name of the intoxicating substance in the said pills and FSL report is still pending.

17. Although, this Court could have waited for FSL report, but, presumably even if the report states about hardest drugs, still, perusal of the replies do not point towards incriminating evidence which would be sufficient to deny bail.

18. The evidence collected might be prima facie sufficient to launch prosecution or even to frame the charges; however, for the purpose of denying bail, the evidence is insufficient.

19. Given the penal provisions invoked, the legal admissibility of evidence collected against the petition, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or pre-trial incarceration.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

20. Given the above, without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for anticipatory bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

21. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

22. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

23. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

24. This order is subject to the petitioner's complying with the following terms.

25. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

26. Given the background of allegations against the petitioner, it becomes paramount to protect the detection squad, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the

other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided it is otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

27. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

28. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

29. In *Md. Tajiur Rahaman v. The State of West Bengal*, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

30. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

CRM-M-33486-2025

31. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

32. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

33. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: YES.