



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-34973-2025

Balbir Singh and another
Versus
State of Punjab

...Petitioners
...Respondent

Sr. No.	Particulars	Details
1.	The date when the judgment is reserved	18 th November, 2025
2.	The date when the judgment is pronounced	28 th November, 2025
3.	The date when the judgment is uploaded on the website	28 th November, 2025
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Narang, Advocate for the petitioners.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of regular bail in case bearing FIR No. 298 dated 31.12.2023 registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Sections 21-C, 23, 25, 27-A and 29 of NDPS Act and Sections 25(6), (7) and (8) of Arms Act added later on) at Police Station Islamabad, District Police Commissionerate, Amritsar.

2. As per the allegations, on 31.12.2023, accused Sandeep Singh



@ Laadi and Roshandeep Singh were apprehended on the basis of a secret information and on conducting their personal search as well as search of the car in which they were sitting, 19 kgs of heroin, one pistol of 9 MM cartridges along with six live cartridges, one country made pistol of .32 bore with six live cartridges and one computerised weighing scale were recovered. They were arrested. The accused Sandeep Singh @ Laadi suffered disclosure statement on the basis of which besides other persons, the petitioner No.2 Sarwan Singh was nominated as an accused. The accused Sandeep Singh @ Laadi and co-accused Rajpal Singh suffered disclosure statements on 09.01.2024, on the basis of which, the petitioner No.1 Balbir Singh was also nominated as accused. Both the petitioners were lodged in Central Jail, Jammu at that point of time. Their presence was secured by way of issuance of production warrants. They were formally arrested in this case on 28.03.2024 and were interrogated. They disclosed that they were having mobile phones and one SIM in Central Jail, Jammu from which they used to talk to co-accused Rajpal Singh, Manpreet Singh and Sandeep Singh and used to get them supplied consignment of contraband heroin. The mobile phones being used by them were got recovered by them from inside the premises of central jail, Amritsar. The remaining accused were also arrested. Investigation qua the petitioners now stands concluded.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case on the basis of disclosure statements allegedly suffered by the co-accused which cannot be considered to be admissible in evidence. No contraband or firearm has been recovered at their instance. False recovery of mobile phone has been planted upon them. The



co-accused whose case is on similar footing, have been extended benefit of bail. They are in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by detaining them in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioners. The petitioner Balbir Singh has criminal antecedents. There are chances of petitioners' absconding or committing similar offence, if extended benefit of bail. They are drug paddlers and also involved in smuggling of illicit arms. With these broad submissions, it is urged that they do not deserve to be released on bail.

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

6. It is well-settled law 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 the accused absconding or fleeing if released on bail, and reasonable apprehension of the witnesses being threatened, etc.

7. In the instant case, the names of the petitioners had been disclosed by co-accused Sandeep @ Laadi alleging that he along with the petitioners was involved in smuggling of contraband. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, the Hon'ble Supreme Court has observed that the disclosure statements made under Section 61 of NDPS Act



are inadmissible in evidence unless corroborated by independent material. The veracity of the disclosure statement against the petitioners will be tested during the course of trial. No contraband had been recovered from them. The rigors of Section 37 of NDPS Act are not attracted against them. No weapon has also been recovered from the petitioners. The petitioners are in custody since long. The trial will take considerable time to conclude. Co-accused Rajpal Singh, Satpal Singh @ Satta, Sawinder Singh @ Nony and Sahib Singh @ Sabu have been extended benefit of bail. On parity, the petitioners deserve to be extended the same benefit. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. Taking into consideration the above discussed facts, but without meaning to make any comment on the merits of the case lest the same prejudice the trial, this Court is of the considered opinion that the petitioner have made a case for release on bail. Accordingly, the petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

28th November, 2025
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |