

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:172517



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CRM-M-35121-2025 (O&M)
Date of decision:10.12.2025

Satwinder Singh @ Sabbi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case bearing FIR No.24, dated 22.01.2025, registered under Sections 21(C) and 29 of the NDPS Act, at Police Station STF SAS Nagar, Mohali, District STF Wing, Amritsar.

2. As per the allegations, on 22.01.2025, a secret information was received by the police to the effect that Joga Singh S/o Mohinder Singh and Joga Singh S/o Sukhdev Singh were having links with smugglers from Pakistan and were engaged in the business of sale/purchase of contraband by receiving the same from cross border through drones and used to supply it further. Believing the secret information to be true, a raiding party was formed which reached at the informed place and apprehended Joga Singh S/o Mohinder Singh, who was found coming from the village side. On

conducting his search, 550 grams of heroin was recovered from his conscious possession, which was taken into custody. Accused Joga Singh S/o Mohinder Singh was formally arrested. At that particular point of time, one phone call was found coming on his cell phone and it was revealed that the petitioner had been making that call. On interrogation, accused Joga Singh suffered disclosure statement to the effect that the contraband recovered from him was to be supplied to the present petitioner. The present petitioner was nominated as an accused and was arrested on 22.01.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. No recovery has been effected from him. There is no call detail record to show that the petitioner was involved with the co-accused in trading of contraband. The transcript of the calls as made by him to the co-accused has not been collected during investigation. Trial is likely to take considerable time to conclude as even charges have not been framed so far and challan has been presented in the month of July, 2025. He has clean antecedents. His further incarceration would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

4. On the other hand, learned State counsel has vehemently argued that the allegations against the petitioner are serious in nature. The contraband recovered from the co-accused Joga Singh S/o Mohinder Singh was to be received by the petitioner to be sold further and this was confirmed from the fact that the petitioner had been making calls to the above said accused. There are chances of the petitioner's absconding or

committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at a considerable length.

6. The petitioner is in custody for over a period of 10 months and 13 days. Trial will obviously take time to conclude as not even a single witness has been examined so far. The petitioner is not person having any criminal antecedents. It is only on the basis of thorough assessment of the evidence to be produced during trial that any conclusion as to the complicity of the petitioner in the commission of subject crime can be drawn and not at this stage. No useful purpose would be served by keeping him in custody anymore. Rigors of Section 37 of the NDPS Act are not attracted in this case. 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 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. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since long. 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. Keeping in view the discussion as 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 as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. 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.

10.12.2025

harjeet

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No

(MANISHA BATRA)
JUDGE