



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

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**CRM-M No.35446 of 2025
Date of decision : 23.7.2025**

Jaswant Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Japjit Singh Johal, Advocate, for the petitioner

Mr. Jasjeet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.21 dated 15.4.2025, under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A and 29 of the NDPS Act added later on), registered at Police Station Behrampur, District Gurdaspur.

2. The gravamen of the FIR in question is that on 15.04.2025, Sub Inspector Gurmukh Singh; accompanied by ASI Jagir Chand, ASI Satnam Singh and Manjit Singh, SRC Daljit Singh and PHG Naresh Kumar; was conducting anti-drone patrolling in the government vehicle alongwith standard investigative equipment near the villages of Toor and Mummy Chack Ranga etc and were heading towards the Ravi river. While



searching the riverbank, the police patrolling team observed two young men loitering suspiciously. On noticing the police, one of them later identified as Sahil Kumar son of Mukesh Kumar of Toor village, discarded a polythene bag into nearby bushes and attempted to retreat. Both the individuals were intercepted and upon inquiry, the second man identified himself as Rajan Kumar alias Gama, son of Kewal Krishan, also a resident of Toor village. After formally explaining their legal rights, both the suspects consented to an on the spot search. The discarded bag was inspected which contain heroin weighing 255 grams (including packaging). The contraband was resealed in the same polythene and placed in a plastic box and was subsequently entrusted to ASI Satnam Singh. The heroin, together with polythene bag, was seized via a formal recovery memo. Both the accused were booked under Sections 21(c)/61/85 of *NDPS Act* for possession of 255 grams of heroin. ASI Manjit Singh was dispatched with the ruqa to register the FIR.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the only material available with the prosecution against the petitioner is a disclosure statement made by co-accused Sahil Kumar. Learned counsel has, thus, submitted that there is no corroborative material against the petitioner other than the said disclosure statement of co-accused Sahil Kumar, which cannot stand on judicial scrutiny. Learned counsel has further argued that a similarly placed co-accused namely Jaswinder Singh @ Kala has been extended the concession of



regular bail by this Court vide order dated 21.7.2025 passed in CRM-M No.33729 of 2025. On these grounds, the petitioner has sought the concession of regular bail.

4. On the contrary, learned State counsel has strenuously opposed the plea for grant of regular bail by arguing that the allegations against the petitioner are serious in nature. Learned State counsel has argued that the petitioner is accused of being involved in a case pertaining to recovery of 255 grams of heroin and Rs.4,70,000/- of drug money. Learned State counsel has further submitted that the present case involves commercial quantity of contraband as envisaged in NDPS Act and, thus, the plea of the petitioner is to be considered in light of Section 37 of the NDPS Act (hereinafter referred to as 'Section 37'). Learned State counsel has placed on record the custody certificate dated 22.7.2025, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 16.4.2025 and is in continuous custody since then. The petitioner has been arraigned as co-accused in the FIR in question on the basis of disclosure statement of co-accused Sahil Kumar. There is no further material available against the petitioner except for this disclosure statement. This Court in a judgment titled as **Anshul Sardana vs. State of Punjab: 2025:PHHC:004198**; relying upon the judgments passed by the Hon'ble Supreme Court in **Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592**, Smt.



Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu vs. State of Gujrat, Narcotics Control Bureau', 2024 INSC 290, State of (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 has held as under:

“6.3. It is well established principle of law that a confession made by 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 prime facie examination of these factors is essential to ensure that the process of law is not mused, abused or misdirected.”

In view of the above, in the considered opinion of this Court, the requirement of Section 37(1)(b)(i) stands met with.

6.1 As per custody certificate dated 22.7.2025 filed by learned State counsel, the petitioner has suffered incarceration for a period of about three months. The petitioner is not shown to be involved in any other



case whatsoever. Thus, in the considered opinion of this Court, the requirement of Section 37(1)(b)(ii) of NDPS Act can be met with by mandating the petitioner to submit an affidavit before the concerned Special Judge, NDPS Court on the first working day of every month stating that he has not committed any offence after being enlarged on bail in the present FIR.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) *The petitioner shall submit, on the first working day of every month,*



an affidavit, before the concerned Special Judge of NDPS Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

23.7.2025
Ashwani

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