



CRM-M-44271-2024

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

CRM-M-44271-2024

Date of Decision: 01.05.2025

Sandeep Singh @ Seepa

..... Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jashandeep Singh Sandhu, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. Saurabh Goel, Senior Standing Counsel with
Ms.Samridhi Jian, Advocate for DRI- respondent No.2.**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in Complaint No.DRI.F No.DRI/ASR/855 (INT-5)(ENQ-1)/2023, dated 16.01.2024, under Sections 8, 21(c), 23(c), 27A, 28, 29, 31, 60, 61 and 63 of NDPS Act, 1985, at Directorate of Revenue Intelligence (Regional Unit) Amritsar, District Amritsar.
2. Succinctly, facts of the case are that Officers of DRI received a secret information on 21.07.2023 to the effect that that one person would be travelling in a car bearing Registration No.PB03 BK0407 from Patti side for delivering a consignment on 22.07.2023. It was informed that in case of barricading, he could be arrested alongwith the contraband. On finding the information reliable, raiding team was constituted and barricade was laid. The officers spotted a car as per the information received. The same was stopped and on asking, the driver of the said vehicle revealed his name as Gurdeep Singh Romana. He was suspected to be carrying some contraband and the car was searched. On conducting the search of the car, heroin was recovered from the dash board of the car, which on weighing was found to



be 1.0028 kg. He failed to produce any licence regarding the possession of the same and thus, the FIR was registered and he was arrested on spot. Samples taken were then sent to the FSL. On registration of the FIR, the investigation commenced. During the investigation, disclosure statement of the accused was recorded and involvement of petitioner Sandeep Singh @ Seepa was found. Hence, he was also arrayed as an accused and was arrested on 21.02.2024. The petitioner approached the Court of learned Additional Sessions Judge, Tarn Taran praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 08.05.2024. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that neither the petitioner was arrested on spot nor any recovery was effected from him, however, during the investigation, disclosure statement of co-accused Gurdeep Singh Romana from whom the alleged recovery was effected, was recorded and name of the petitioner was surfaced and thus, he was implicated in the present case. He submits that disclosure statement of co-accused is not an admissible evidence. It is submitted that the petitioner is admittedly prosecuted in 15 other cases, however, he is on bail in those cases. To buttress his arguments he submits that co-accused Gurdeep Singh Romana, from whom recovery was effected, has already been granted bail by this Court vide order dated 28.03.2025. It is submitted that the petitioner was arrested on 21.02.2024 and since then he is behind the bars, however, till date the trial has not concluded by the prosecution. He,



thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender as is evident from the custody certificate. He submits that in some of these cases, the petitioner has been convicted as well. He submits that during the investigation, complicity of the petitioner has been established not only on the basis of the disclosure statement of the co-accused, but on the basis of the CDR. He has submitted that the recovery effected from the co-accused falls under the commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted. On instructions, he submits that out of total 11 prosecution witnesses, 06 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner. He, thus, submits that in these circumstances, the petitioner does not deserves to be granted bail.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of the disclosure statement of the co-accused. The petitioner is behind bars since 21.02.2024. It is an admitted fact that co-accused from whom recovery has been effected, has been granted regular bail by this Court. Out of total 11 prosecution witnesses, 06 witnesses have been examined. The custody certificate reflects that the petitioner has suffered incarceration of 01 year 02 months & 08 days as on 30.04.2025. It further reflects that the petitioner has been prosecuted in 15 other cases. Though he had convicted in some of the cases, however, in rest of the cases,



he is on bail. Pendency of the other cases in itself cannot be a ground for the rejection of the bail of the petitioner.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as



loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

01.05.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No