

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:162876



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CRM-M-40537-2025 (O&M)
Date of decision:21.11.2025

Janta Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Sekhon, Sr. Advocate with
Mr. Parshant, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The petitioner is seeking indulgence of this Court for grant of regular bail in case arising out of FIR No.182, dated 09.05.2025, registered under Sections 22 and 29 of the NDPS Act, at Police Station City Barnala, District Barnala.

2. As per the allegations on 09.05.2025, while a police party was performing patrolling duty, a secret information was received, on the basis of which a raiding party was formed that reached at the informed place, where accused Vicky Sharma, Jashanpreet Singh and Shankar Singh were apprehended. On conducting search, 40 intoxicating tablets of Etiwell and 600 capsules of Pregabalin were recovered from their conscious possession.

The same were into custody. The above named accused were formally

arrested. During the course of investigation, name of the petitioner had cropped up as one of the person, who used to supply contraband to the co-accused and his being a member of an organized criminal conspiracy involving several persons in procurement, storage and distribution of psychotropic substances. The petitioner was nominated as accused. He was arrested on 09.05.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The disclosure statement allegedly suffered by co-accused cannot be considered to be admissible in evidence. No recovery is to be effected from him. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

4. Per contra, learned State counsel has argued that the petitioner has criminal antecedents. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, urged 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 alleged to be involved in sale of contraband to the co-accused. No recovery has been effected from him. He is in custody since 09.05.2025. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose. 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. As per the discussion 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/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all the times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. 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.

(MANISHA BATRA)
JUDGE

21.11.2025

harjeet

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