



CRM-M-41877-2025

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

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CRM-M-41877-2025

Date of decision: 10th November, 2025

Harpreet Singh @ Peeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 78 dated 04.05.2025 registered under Sections 15(C) and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') at Police Station Shahkot, Jalandhar Rural.

2. As per the allegations, on 04.05.2025, a check point was laid at Kawan Wala Pattan and vehicles were being checked by a police party headed by Inspector Balwinder Singh, when a truck bearing registration No. PB-10-FF-3748 was seen coming from Dharmkot Moga side. On seeing the police officials, the truck driver tried to flee but was stopped and apprehended. On interrogation, he disclosed his name as Jaswinder Singh @ Saba. On suspicion, the vehicle was checked after performing due



formalities. Two plastic sacks containing 55 kg 600 grams of poppy husk were recovered from the tool box above the truck cabin. The same were taken into possession. The accused Jaswinder Singh @ Saba was formally arrested. He was interrogated and suffered disclosure statement to the effect that he was bringing the contraband at the instance of the petitioner and had to hand over the same to him. He was nominated as an accused. Offence under Section 29 of NDPS Act was added. The petitioner has been in custody since 04.05.2025. On interrogation, he too suffered disclosure statement admitting his involvement in the crime. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was neither the owner nor the driver of the truck in question. No recovery has been effected from him. He has clean antecedents. His further incarceration would not serve any useful purpose. The rigors of Section 37 of NDPS Act are not attracted against him. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations, the petitioner does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The well settled proposition of law is 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 accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Jaswinder Singh @ Saba, from whom recovery of commercial quantity of poppy husk has been effected. As per his disclosure statement, he had sourced the contraband from the petitioner. 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 NDPS 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. The petitioner is in custody since 05.05.2025. 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 switch on all times.

8. 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.



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

[MANISHA BATRA]
JUDGE

10th November, 2025
Parveen Sharma

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