



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

216

CRM-M-43497-2025

Date of decision : 18.11.2025

SAGAR @ BABA

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Ms. Aayushi, Advocate for  
Mr. Umesh Aggarwal, Advocate  
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

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**SURYA PARTAP SINGH, J.**

1. For the commission of offence punishable under Sections 21(b) and 27(a) of NDPS Act [Sections 29, 61 and 85 of NDPS added later on], the FIR No.68 dated 17.04.2025, has been lodged in Police Station Chheharta, District Amritsar. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being when accused Vikramjit Singh @ Dhoni was being interrogated in this case pertaining to FIR No.67 dated 14.04.2025, under Sections 21-B, 27-A, 25, 29/61/85 NDPS Act. As per prosecution during the course of interrogation, he suffered a disclosure statement and revealed that he



was in possession of 80 grams of Heroin. According to prosecution pursuant to above-mentioned disclosure statement the recovery of above-mentioned Heroin from the spot, stated by Vikramjit Singh @ Dhoni, was effected and the present case was lodged. The prosecution has further alleged that during the course of investigation, when Vikramjit Singh @ Dhoni was further interrogated he suffered another disclosure statement, wherein he nominated the present petitioner.

3. Heard.

4. It has been contended on behalf of petitioner that the petitioner has already suffered prolonged incarceration for being in custody for a period of 06 months and 26 days. As per learned counsel for the petitioner nothing has been recovered from the possession of petitioner and that he is being implicated merely on the basis of disclosure statement of co-accused, which is not admissible in nature.

5. *Per contra*, the learned State counsel has argued that allegations in the present petition are with regard to recovery of large quantity of contraband from the possession of co-accused, and that the petitioner does not have clean antecedents as he is being prosecuted for similar offence in another FIR also. It has also been contended by learned State counsel that the petitioner is member of a gang operating in the area and dealing with drugs and therefore, the petitioner is equally liable for being in possession of contraband.

6. The record has been perused carefully.

7. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition: -



- i) that nothing has been recovered from the possession of petitioner. The quantity of contraband recovered from the possession of co-accused is non-commercial quantity;
- ii) that the petitioner has been implicated on the basis of disclosure statement of his co-accused only, who had suffered the above-mentioned disclosure statement, when he was in police custody. Therefore there is a big question mark with regard to credibility and admissibility of above-mentioned disclosure statement;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future;
- v) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial;

8. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another"*, 2018(2) R.C.R. (Criminal) 131**, are relevant, wherein it has been observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the*



*grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.*

9. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that “*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice*”.

10. Recently, in the case of ‘**Tapas Kumar Palit Vs. State of Chhattisgarh**’, 2022 INSC 222, the Hon’ble Supreme Court of India has



observed that “*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed*”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently*”.

11. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “***Balwinder Singh versus State of Punjab and Another***”, SLP (Crl.) No.8523/2024.

12. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

13. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the



Court or to any other authority.

- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

14. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)  
JUDGE

18.11.2025

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |