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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.44193 of 2025
Date of Decision: 31.10.2025

Dilbag Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tanvir Joshi, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
53	15.04.2025	Badhni Kalan, District Moga	21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (29 of NDPS Act added later on)

2. As per the allegations, on 15.04.2025, on the basis of a secret information to the effect that Gurmeet Singh along with co-accused Harjeet Singh, Arshdeep Singh and Sandeep Singh was indulged in the business of sale of heroin and could be apprehended from the vicinity of old canal bridge at Village Badhni Kalan along with the contraband, a

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raiding party was formed which reached at the informed place and apprehended the above named co-accused who were sitting in a Swift car. On conducting search, 500 grams of heroin was recovered from the dashboard of the car which was taken into possession. Gurmeet Singh and co-accused were formally arrested. They suffered disclosure statements to the effect that they had jointly purchased the contraband. Accused Sandeep Singh disclosed that the contraband was to be supplied by him to the present petitioner and to Gurpreet Singh. Both of them were nominated as additional accused and were arrested on 15.04.2025. Investigation now stands concluded.

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 co-accused Sandeep Singh which cannot be considered to be admissible in evidence. No recovery has been effected from him. He is in custody since long. He has clean antecedents. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

4. Per contra, it is argued by learned Assistant Advocate General, Punjab that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

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

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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 NDPS Act.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Sandeep Singh, from whom recovery of commercial quantity of contraband has been effected. As per his disclosure statement, he had to supply the contraband to 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. As such prima facie, the rigors of Section 37 of NDPS Act are not attracted qua him. The petitioner is in custody since 15.04.2025. The trial will take time. The object of jail is to secure the appearance of the accused during the trial and it can

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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

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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.

31.10.2025
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(MANISHA BATRA)
JUDGE

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