

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44070-2025

Reserved on: 28th October, 2025

Pronounced on: 30th October, 2025

Sukhvir Singh @ Topi @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

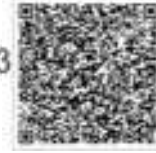
Present: Mr. Rahul Aggarwal, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

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. 103 dated 09.12.2023 registered under Sections 22-C and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') and Section 25 of Arms Act, 1959 at Police Station City Morinda, District Rupnagar.

2. As per the allegations, on 09.12.2023, on the basis of a secret information, the accused Simranjit Singh @ Simra was apprehended and 20 ampules labelled Buprenorphine Injection IP, a cardboard containing 20 vials of Pheniramine Maleate Injections, two country made pistols of .32 bore each along with magazines containing five live cartridges, one empty magazine, one pistol of .315 bore containing one live cartridge, 3 swords and one *takkua* were recovered from the same. The accused Simranjit Singh

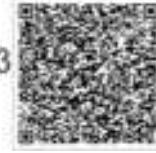


could not produce any permit, license, bill or prescription etc. qua possessing the intoxicating injections and firearms. The same were taken into custody. The accused was formally arrested. He was interrogated and suffered a disclosure statement on the basis of which the present petitioner was nominated as an accused.

3. As per the further allegations, the petitioner was arrested on 16.01.2024. He too suffered disclosure statement and got recovered 100 grams of intoxicant powder from the vicinity of his house. Investigation now stands completed.

4. 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. A false recovery has been planted upon him which is of non commercial quantity. The rigors of Section 37 of NDPS Act are not attracted. No material has been collected to prove the complicity of the petitioner in the offences. The trial will take time to conclude. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed by respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who was supplier of the contraband to the co-accused, not only this, 100 grams of intoxicating powder containing heroin and tramadol had been recovered from him. He is a habitual offender. There are chances of his committing similar offences, if extended benefit of bail. Recovery from the co-accused is of commercial quantity. Therefore, it is urged that the petition



does not deserve to be allowed.

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

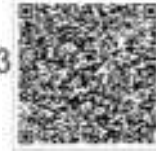
7. It is well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar 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.

8. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Simranjit Singh, from whom recovery of commercial quantity of contraband 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. The veracity of the disclosure statement against the petitioner will be tested during the course of trial. The recovery from petitioner is of non-commercial quantity. In view of the above discussion, this Court is of the



opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner has been in custody since 16.01.2024 i.e. one year, nine months and 14 days. Challan has been presented but even charges have not been framed. 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 switch on all times.

9. 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.

10. 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.

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

[MANISHA BATRA]
JUDGE

30th October, 2025

Parveen Sharma

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