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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.45443 of 2025
Date of Decision: 29.10.2025

Jodhbir Singh alias Jodha ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sarbjeet Singh, 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
86	21.07.2024	Sultanwind, District Police Commissionerate Amritsar	21 (c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and 25 of Arms Act, 1959

2. As per the allegations, on 21.07.2024, on the basis of secret information to the effect that one Gurpreet Singh @ Gopi resident of Village Kakuwala was indulged in business of selling contrabands and had come to Amritsar to supply a consignment of heroin and could be apprehended from the Gurudwara Baba Gulab area where he was waiting

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for some customers of the contraband, a raiding party was immediately formed. Intimation was sent to the police station for registration of FIR. The above named Gurpreet Singh was apprehended and 500 grams of heroin was recovered from his conscious possession. He suffered disclosure statement on the basis of which Kuljinder Singh was nominated as co-accused. He was arrested on 22.07.2024. Recovery of one illegal pistol and two live cartridges was effected from him. Accused Kuljinder Singh suffered disclosure statement that the contraband was taken from the present petitioner i.e. Jodhbir Singh @ Jodha and was given to co-accused Gurpreet Singh. The petitioner was nominated as accused and was arrested on 22.07.2024. In pursuance of disclosure statement suffered by the petitioner, Karandeep Singh @ Mota and Amritpal Singh @ Bobby were nominated as accused on the disclosure that the petitioner had taken the contraband from accused Karandeep Singh @ Mota and Amritpal Singh @ Bobby. 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. No recovery has been effected from him. He is in custody since 22.07.2024. The trial will take considerable time. No useful purpose would be served by keeping him in custody any more. It, is therefore, urged that he deserves to be released on bail.

4. Status report and custody certificate have been filed. It is argued

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habitual offender since two more cases have been registered against him and one of which is of similar nature. He is not on bail in one of those two cases. There is nothing on record to show that there would be any undue delay in conclusion of the trial. There are chances of his committing similar offences again if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

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 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 Kuljinder Singh. As per his disclosure statement, he had taken the contraband from the petitioner. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex

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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 22.07.2024. Challan has been presented. The trial will take time. 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.

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- (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.

29.10.2025	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No