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

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CRM-M-46052-2025 (O&M)
Date of decision : 09.12.2025

Paras Singh @ Paras Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition that has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No. 52 dated 29.03.2024, registered under Sections 21-C, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), Section 25 of the Arms Act, 1959 and Section 201 of IPC at Police Station Chheharta, District Amritsar. The previous petitions were dismissed as withdrawn.

2. As per the allegations, on 29.03.2024, a secret information was received to the effect that Gagandeep Singh @ Gagan, Charanjit Singh @ Charan and Harmandeep Singh @ Harman and Happy were engaged in the business of sale of heroin and could be apprehended on that very day with huge quantity of contraband and with illicit arms. Believing the information to be true, a raiding party for formed, which reached at the spot and stopped the vehicle occupied by the above named persons. They were apprehended. On

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conducting search, one country made pistol of .32 bore containing 03 live cartridges along with magazine and one polyethene bag containing 01 kg. 500 grams of heroin was found to be in their conscious possession, which were taken into custody. They were formally arrested. Accused Gagandeep Singh suffered a disclosure statement to the effect that the recovered contraband had been supplied through co-accused Yuvraj Singh, who was nominated as such. He was lodged in jail in connection with some other case and was joined into investigation of this case and was formally arrested on 03.04.2024. He was interrogated and suffered disclosure statement to the effect that the recovered contraband was supplied from Pakistan as per the instructions of Pargat Singh. The same was taken and sold in India. He also nominated the present petitioner as an additional accused. The petitioner was arrested on 04.11.2024. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. No recovery has been effected from him. He is on bail in other cases registered against him. On the date of alleged occurrence, he too was confined in jail and, therefore, there could be no question of his involvement in supplying the contraband to co-accused or committing the subject offences. The trial will take considerable time to conclude. Only 03 prosecution witnesses have been examined so far and the trial is not proceeding further since the date of dismissal of the previous petition filed by the petitioner. His continued detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to

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be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard 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 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 above named co-accused, who himself was nominated on the basis of the disclosure statement suffered by another co-accused. As per the allegations, the co-accused had sourced the contraband from the petitioner. In

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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 was arrested on 04.11.2024. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No