



CRM-M-47062-2025

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

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CRM-M-47062-2025

Date of decision: 18th November, 2025

Ganesh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

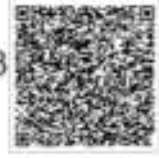
Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The petitioner has been seeking indulgence of this Court by filing this petition for grant of regular bail in case arising out of FIR No. 121 dated 19.07.2024 registered under Section 21(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') (Later on Section 29 of NDPS Act was added vide GDD No. 06 dated 20.07.2024) at Police Station Kanal Colony, District Bathinda, Punjab.

2. As per the allegations, on 19.07.2024, while performing patrolling duty, two youths were found sitting in an *Innova* car in the area of Sirhind Canal Bridge by a police party. On a suspicion, they were apprehended. On asking, they disclosed their names as Tarsem Singh @ Soma and Karanpreet Singh @ Karan. On conducting search, 1.5 kg of contraband was recovered from their conscious possession. The accused Tarsem Singh suffered disclosure statement in pursuance of which he also



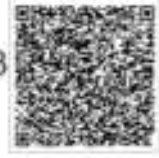
got recovered drug money to the tune of Rs. 2,65,000/-. The petitioner was nominated as an accused on the basis of disclosure statement of the above named Tarsem Singh and was arrested on 20.07.2024. Some additional accused were also nominated and were apprehended. Investigation now stands completed and challan has been presented against the petitioner and the co-accused.

3. It is argued by learned counsel for the petitioner that he has been 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 had no connection with the co-accused. He was not even present at the spot. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. He is in custody since long. His further incarceration would not serve any useful purpose. Co-accused Sandeep has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

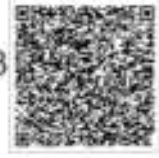
5. This Court has heard learned counsel for the parties at considerable length.

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 co-accused Tarsem 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. 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. 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 is in custody since 20.07.2024. 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.

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.

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

[MANISHA BATRA]
JUDGE

18th November, 2025

Parveen Sharma

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