



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50083-2025

Reserved on: 13th November, 2025

Pronounced on: 20th November, 2025

Joban Singh @ Bamb

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Amarjot Kaur, Advocate for the petitioner.

Ms. Sakshi Bakshi, 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. 11 dated 09.03.2024 registered under Section 21(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') and Section 25 of Arms Act, 1959 (Sections 10, 11, 12 of Aircraft Act were added later on) at Police Station Dorangla, District Gurdaspur.

2. As per the allegations, on 09.03.2024, the accused Gurjit Singh and Satnam Singh were apprehended on the basis of a secret information, and one pistol, four live cartridges, and 405 grams of heroin were recovered from their conscious possession. During the course of investigation, drug money of ₹50,000 each and one drone was recovered from both of them, whereas another drone was recovered at the instance of accused Satnam



Singh. On the basis of the disclosure statement suffered by accused Satnam Singh, the present petitioner, Harmeet Singh and Ranjodh Singh @ Jodha were nominated as additional accused. Accused Gurjit Singh also suffered a disclosure statement, on the basis of which other persons were nominated as additional accused. The petitioner was arrested on 15.07.2024. Other accused were also arrested in this case. Investigation now stands completed, and the petitioner, along with the co-accused, is facing trial for commission of the 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 disclosure statements of co-accused, which cannot be considered to be admissible in evidence. No recovery has been effected from him. Investigation stands completed. Trial will take considerable time to conclude. The co-accused Harpreet Singh, Satinder Singh, and Harjeet Singh and Ranjodh Singh @ Jodha whose cases are on similar footing, have been extended the benefit of bail. On the ground of parity, he too deserves to be extended similar benefit. He has clean antecedents. His further continued detention would not serve any purpose. The rigors of Section 37 have not been attracted against him. It is, therefore, 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 levelled against the petitioner, he does not deserve to be extended the 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.



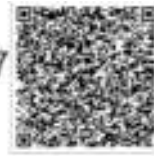
6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar 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 Satnam Singh, from whom recovery of commercial quantity of 405 grams of heroin has been effected. 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. The petitioner has clean antecedents. 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 15.07.2024. 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. Co-accused Harpreet Singh, Ranjodh Singh @ Jodha, Satinder @ Kala, and Harjeet Singh @ Jeeta have already been granted bail. 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

20th November, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*