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

**CRM-M No.48686 of 2025
Date of Decision: 19.11.2025
Reserved on: 06.11.2025**

Joni Singh @ Johny Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The petitioner is seeking indulgence of this Court by filing the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail in case arising out of FIR No.44 dated 21.06.2024 registered under Section 21 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (Sections 29 and 27-A of NDPS Act added later on) at Police Station Sarai Amant Khan, District Tarn Taran, on the allegations that on 21.06.2024, while performing duty by a police party, two persons were found coming on a motor bike from Adda Sarai Amanat Khan side. On noticing the police officials, they were panicked and tried to reverse their vehicle but fell on the ground. One of them who was driver was

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apprehended. On asking, he disclosed his name as Jobanpreet Singh @ Joban. The pillion rider tried to flee but he too was apprehended and disclosed his name as Dilpreet Singh. A polythene bag thrown by accused Dilpreet Singh was picked and on checking the same, 375 grams of heroin was found kept therein. All the accused were formally arrested. On interrogation, the accused Dilpreet Singh suffered disclosure statement to the effect that they used to do business of heroin along with Varinder Singh, Davinderpal Singh and Jodhbir Singh. The recovered contraband had been sent to him by Varinder Singh through Davinderpal Singh. He also disclosed about the involvement of the petitioner and some other accused in the crime. The petitioner was as such nominated as additional accused on 23.06.2024. He was arrested on 24.06.2024. Drug money of Rs.4750/-, one mobile phone and Activa vehicle were recovered from him. Offences under Sections 27-A and 29 of NDPS Act were added. The petitioner on interrogation suffered disclosure statement admitting his involvement in the crime and also got recovered 22 grams of heroin at his instance. Investigation now stands completed.

2. 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. He was not named in the FIR. A false recovery of contraband has been planted upon him which is of non commercial quantity. The trial will take considerable time to conclude. His continued detention would not serve any

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useful purpose. The rigors of Section 37 of NDPS Act are not attracted qua him. With these broad submissions, it is urged that he deserves to be released on bail.

3. The petitioner had been extended benefit of interim bail and remained as such during the period from 18.05.2025 to 15.07.2025.

4. Per contra, learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. He is a habitual offender. There are chances of his committing similar offences, 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.

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7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Dilpreet 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. Recovery of contraband allegedly effected from him is of non commercial quantity and as such the rigors of Section 37 of NDPS Act are not attracted. The petitioner is in custody since 24.06.2024. 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.

(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.

19.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No