

2025:PHHC:171892



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-49404-2025

Date of decision: 9th December, 2025

Karamjeet Singh @ Banda @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 52 dated 24.06.2024 registered under Sections 15 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act added later on) at Police Jodhan, District Ludhiana(Rural).

2. As per the allegations, on 24.06.2024, on the basis of a secret information, raid was conducted in the house of accused Avtar Singh @ Resham and recovery of 09 quintals of poppy husk was effected from a room of his house. He was formally arrested. On the basis of his disclosure statement, co-accused Lakhwinder Singh Lakhi and Baljeet Singh were nominated as accused. They were also arrested. They suffered disclosure

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statement on the basis of which the accused Balwinder Kaur was nominated as additional accused. They were also arrested. They suffered disclosure statements on the basis of which the accused Balwant Kaur was nominated as additional accused. She was in custody at that time and her presence was secured by way of production warrants. On interrogation, she disclosed that she along with her husband Baljeet Singh was involved in the business of sale/purchase of contraband and had sold 04 kgs of poppy husk for a sum of Rs. 3,000/- to the present petitioner. The petitioner was accordingly nominated and was arrested on 01.08.2024. 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 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 for a period of over one year and four months. He is on bail in other cases as registered against him and cannot be denied benefit of bail due to his involvement as such. Trial will take considerable time to conclude. No useful purpose is going to be served by detaining him in custody anymore. 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, the quantity of

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the contraband recovered and the attendant facts, the petitioner does not deserve to be released on bail.

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

6. The petitioner is alleged to have purchased 04 kgs of contraband from the co-accused Balwinder Kaur and Baljeet Singh. No contraband has however been recovered at his instance. Trial will obviously take time to conclude as only two prosecution witnesses out of 26 have been examined so far. The petitioner has been involved in two more cases of similar nature but cannot be denied benefit of bail due to that reason. Co-accused Lakhwinder Singh and Baljeet Singh have already been extended benefit of bail. The case of the petitioner is at a better footing. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. It is well settled proposition of law that bail is the rule and jail is an exception. 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 01.08.2024. 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

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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.

7. 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.

8. 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.

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

[MANISHA BATRA]
JUDGE

9th December, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No