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**(218) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-50073-2025 (O&M)
Date of decision : 12.12.2025**

AMRIK SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.57, dated 14.04.2024, under Sections 21, 21-C, 23, 25, 27-A, 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') and Section 25 of Arms Act, 1959 registered at Police Station Sadar Ferozepur, District Ferozepur, on the allegations that on 14.04.2024, on the basis of a secret information, the accused-Manjit Singh @ Mani was apprehended and 7 Kgs of heroin alongwith drug money of Rs.36 lakhs and illicit weapons was recovered from his conscious possession; while he was coming on a white Elantra car. On

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the basis of his disclosure statement, the accused-Harpreet Singh alias Happy was nominated as additional accused. The accused-Rohit Sethi, was arrested on 17.04.2024. He suffered disclosure statement on 20.04.2024 and had disclosed that .315 bore fire arm pistol had been given to him by the present petitioner. The petitioner was nominated as an accused and was arrested on 03.01.2025. The co-accused was also apprehended. Investigation now stands completed.

2. In compliance with the order dated 13.11.2025 of this Court, Mr. Bhupinder Singh, SSP, Ferozepur and Mr. Gurwinder Kumar, SHO, PS, Sadar Ferozepur were present in the Court and have tendered unconditional apology for the delay in filing the status report.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case, on the basis of subsequent disclosure statement suffered by the co-accused Rohit Sethi which cannot be considered to be admissible in evidence. He is in custody for a long period of time. No recovery has been effected from him. The trial will take considerable time to conclude. His involvement in other cases cannot be considered to be a reason for not giving benefit of bail to him. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by learned State counsel. Learned State counsel has argued that there are serious allegations against the petitioner. He had been involved in several other cases and has even been convicted. There are chances of petitioner's absconding, if extended, benefit of bail. It is, therefore, argued that he does not deserve to be extended benefit of bail.

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5. This Court has heard rival submissions made by learned counsel for both the parties.

6. So far as the pendency of other FIRs as against the petitioner is concerned, the well settled proposition of law is that appreciation of evidence during the course of trial is to be looked into with reference to the evidence in that particular case alone and not with respect to evidence in other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases, would lead to denial of concession of bail. It is equally well-settled proposition of law that an accused should not be denied benefit of bail on this ground alone. 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.



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7. The case of the prosecution is that the name of the petitioner was disclosed by the accused-Rohit Sethi and as per his disclosure statement the present petitioner and other accused were involved in illicit trade of contraband and illicit weapons. 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 03.01.2025. No prosecution witnesses has been examined, out of 42 prosecution witnesses. 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 be preventive. The deprivation of liberty has been considered as a punishment. As such, Court is of the considered opinion that a case for release of the petitioner on bail 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:-



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(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.

(vi) he shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

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.



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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

12.12.2025
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No