

**CRM-M-51297-2025****-1-**

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

229**CRM-M-51297-2025****Date of decision: 8th December, 2025**

Ranjit Singh @ Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

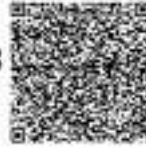
Present: Mr. Keshav Chadha, Advocate for the petitioner.

Ms. Sakshi Bakshi, 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. 60 dated 25.05.2023 registered under Section 21-C of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act was added later on) at Police Station Jhabal, District Tarn Taran.

2. As per the allegations, on 25.05.2025, accused Prem Singh @ Kala Pehalwan was apprehended on suspicion, and 500 grams of heroin, along with his vehicle, was recovered from his conscious possession and taken into possession by the police. The accused Prem Singh was formally arrested. On interrogation, he suffered disclosure statement to the effect that the petitioner was the supplier of the contraband which was recovered from his possession. The petitioner was nominated as an accused and was arrested on 17.11.2023. The investigation now stands completed and the petitioner along with the co-

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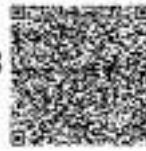
accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is in custody for a period of over two years. The trial will take considerable time to conclude since only two prosecution witnesses out of 16 witnesses have been examined so far. The rigors of Section 37 of NDPS Act are not attracted against him. He is on bail in other cases as registered against him. His continued detention would not serve any useful purpose. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report as well as custody certificate have been filed by respondent-State. It is argued by learned State counsel that there are serious allegations against the petitioner who is a habitual offender since two more cases under the provisions of NDPS Act are pending against him. There are chances of his absconding or committing similar offences, if extended benefit of bail. He was supplier of the contraband to the co-accused. He exchanged a sum of Rs. 5,00,000/-. Trial may be expedited. Therefore, it is stressed that the petition does not deserve to be allowed.

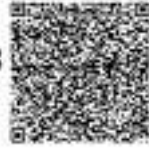
5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have supplied 500 grams of contraband-heroin to the co-accused. He was not named in the FIR. He was nominated on the basis of disclosure statement of the co-accused. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. The rigors of Section 37 of NDPS Act are not attracted

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against him. 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 Prem Singh @ Kala, from whom recovery of 50 grams of heroin 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

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not come in the way of granting bail to the petitioner. The petitioner is in custody since 17.11.2023. 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.



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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

8th December, 2025
Parveen Sharma

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