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

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CRM-M-53095-2025 (O&M)
Date of decision : 09.12.2025

Beant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. R. S. Bhullar, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 66 dated 01.09.2024, registered under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Mehna, District Moga.

2. Brief facts of the case relevant for the disposal of the present petition are that on 01.09.2024, when a police party headed by ASI Iqbal Singh was going from Rauli to Fatehgarh Korotana in connection with patrolling, two youths were spotted talking to each other while standing near a Scorpio car and Activa Scooter, bearing registration numbers PB-76-B-0345 and PB-29-AG-2645, respectively. On seeing the police party, they took out a polythene bag containing peach colour loose tablets and mobile phone and

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tried to run away after throwing the said bags but were apprehended. On interrogation, they disclosed their names as Arshdeep Singh and Sahilpreet Singh. On conducting search of the said bags, 60 loose tablets were recovered from the bag, which was thrown by Sahilpreet Singh, whereas 65 loose tablets were recovered from the bag, which was thrown by Arshdeep Singh. During search of the aforesaid car, three phones make Apple were recovered. During the course of investigation, co-accused Sahilpreet Singh disclosed that his parents i.e. the petitioner Beant Singh and Sarabjit Kaur were indulged in smuggling of intoxicant tablets since long and he had to supply the recovered tablets to customers as per instructions of his parents. On the basis of the same, the petitioner was nominated as accused in this case and was arrested on 04.03.2025. 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 the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. In fact, his wife had submitted a complaint against some police officials and SHO of Police Station Mehna qua demand of illegal gratification and as a counterblast, his entire family has been entangled. No recovery has been effected from him. He is in custody since 04.03.2025. His implication in other cases cannot be made a ground to deny him concession of bail in this case. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial would take considerable time as no prosecution witness has been examined so far. The co-accused, who was juvenile, has been acquitted. Similarly situated co-accused Sarabjit Kaur and Kulwinder Kaur

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have been granted concession of anticipatory/regular bail by this Court. On parity, the petitioner too deserves to be given the same benefit. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner and his criminal antecedents, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per allegations, co-accused Sahilpreet Singh and Arshdeep Singh were apprehended by the police party on 01.09.2024 and recovery of total 125 tablets were effected from them, which as per FSL report were found to be containing salts of Alprazolam and Etizolam. Aforesaid co-accused are son and nephew respectively of the present petitioner. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Sahilpreet Singh. Apart from this, there is neither any allegation against the petitioner nor any recovery has been effected from him. Even otherwise, it is revealed. The claim of the petitioner is that entire family has been falsely implicated in this case as an amount of Rs. 10 Lakhs could not be given to Inspector/SHO of Police Station Mehna as demanded by her. The petitioner is shown to be involved in some other cases but that alone cannot be made a ground for rejecting his claim for bail in the given circumstances. It is a question of debate as to whether the petitioner was involved in sale/purchase of contraband or not. The petitioner is in custody since 04.03.2025. The trial is

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likely to take time as no prosecution witness has been examined so far. Above named co-accused have already been granted concession of anticipatory/regular bail by this court. Even otherwise, the disclosure statements made under Section 67 of NDPS Act are inadmissible in evidence unless corroborated by independent material. Reliance in this regard can be placed upon *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*. 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. Keeping in view the discussion as made above, this Court is of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No