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

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**CRM-M-54088-2025 (O&M)
Date of decision : 12.12.2025**

Gurjit Singh @ Geet

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ruhani Chadha, Advocate and
Mr. Keshav Chadha, Advocate
For the petitioner.

Ms. Sakshi Bakshi, 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. 05 dated 03.02.2025, registered under Sections 21, 25, 29 and 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Bhindi Saidan, District Amritsar.

2. As per the allegations, on 03.02.2025, co-accused Avtar Singh @ Sonu, Manjit Singh @ Kaka and Lakhbir Singh were apprehended by a police party on the basis of a secret information and recovery of 500 grams of heroin was effected from their conscious possession. They suffered disclosure statements, on the basis of which, accused Shamsher Singh was nominated as such and recovery of 02 kgs. of heroin was effected from him. He suffered a disclosure statement on 05.02.2025 disclosing that the petitioner was having links with Pakistani smugglers and had told them that they could procure

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heroin from Pakistan. He consented to the same. The petitioner used to share his location through Whatsapp and then used to receive consignments of heroin from the border areas. He also disclosed that the petitioner had given virtual numbers of the Pakistan based smugglers. The petitioner was nominated as accused. Since he was in custody in connection with some other case, his presence was secured by way of issuance of production warrants. He was joined into investigation on 06.02.2025 and was formally arrested on the same day. He too suffered disclosure statement admitting his involvement in the crime. On his disclosure, some other persons were also nominated as additional accused.

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. No recovery has been effected from him. He is in custody since 06.05.2025. He is not involved in any other case of similar nature. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose. Rigors of Section 37 of the NDPS Act would not be attracted qua him. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

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5. This Court has heard 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 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 above named co-accused, from whom recovery of commercial quantity of the contraband was 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 effected from the petitioner. The petitioner was arrested on 06.05.2025. There is nothing on record, at this stage, to connect the petitioner either with the

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subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time. The petitioner is not shown to be involved in any other case of similar nature. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his 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.

8. 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.

12.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No