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

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CRM-M-57374-2025 (O&M)
Date of decision: 15.12.2025

Gurpreet Singh @ Gancha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sudesh Kumar Arya, 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.04, dated 07.01.2025, registered under Section 21(B), 21(C), 27-A and 29 of the NDPS Act, 1985 at Police Station Chheharta, District Police Commissionerate Amritsar, Amritsar.

2. As per the allegations, on 07.01.2025, accused Jugraj Singh @ Shiva was apprehended and 30 grams of heroin was recovered from his conscious possession. A case under Section 21(B) of NDPS Act was registered. During the course of investigation, accused Jugraj Singh @ Shiva suffered disclosure statement on 08.01.2025 on the basis of which Simarjit Kaur, Navraj Singh @ Lalli and Dilpreet were nominated as co-accused. They were arrested on 08.01.2025. On 09.01.2025, the accused Jugraj Singh suffered another disclosure statement and got recovered 500 grams of heroin

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and drug money of Rs.10,000/- from one small drum lying in his residential house. He also disclosed that the contraband was purchased by him from accused Manjit Singh @ Bhola and it was delivered to him by the persons of Manjit Singh on asking of his co-villager Sandeep Singh who was confined in jail. Sandeep Singh was nominated as an accused. His presence was secured by way of issuance of production warrants. He suffered a disclosure statement on the basis of which, co-accused Karanjit Singh @ Kancha along with co-accused Amritpal Singh @ Amrit and Lovepreet Singh @ Love were nominated as accused. It was disclosed that the contraband was received by them and they used to sell it further. The name of the present petitioner surfaced in the disclosure statement of co-accused Jugraj Singh on 07.01.2025 with the allegation that he also used to sell contraband to him. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 06.02.2025. The co-accused were also arrested. The investigation stands concluded and challan against the petitioner and the co-accused has been presented.

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 allegedly suffered by the co-ccused, which cannot be considered to be admissible in evidence. He is in custody since 06.02.2025. No recovery has been effected from him. The rigors of Section 37 of NDPS Act will not be attracted against him. He is on bail in other cases as registered against him. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. No useful purpose would be served by his further detention. Co-accused Amritpal Singh @ Amrit and Karanjit Singh have been extended benefit of

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bail. On parity, he too deserves to be given the same benefit. It is, therefore, urged that the petition deserves to be allowed.

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

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

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used to sell contraband to 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. The petitioner was arrested on 06.02.2025. There is nothing on record, at this stage, to connect the petitioner either with the 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 shown to be on bail in other cases registered against him. Above named two co-accused have already been granted concession of bail. 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 bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) the petitioner shall not commit any offence similar to the offence of which

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he is an accused.

(iv) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(v) any infraction shall entail in withdrawal of the benefit granted by this court.

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.

15.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>