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

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**CRM-M No.60741 of 2025
Date of Decision: 15.12.2025**

Davinderpal Singh @ Maddi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Laghuinder Singh Sekhon, Advocate,
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.44 dated 21.06.2024 registered under Sections 21(c), 27A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Sarai Amant Khan, District Tarn Taran. The previous two petitioners as filed by the petitioner has been dismissed as withdrawn.

2. As per the allegations, on 21.06.2024, the accused Jobanpreet Singh and Dilpreet Singh were apprehended and 375 grams of heroin was recovered from their conscious possession. The accused Dilpreet Singh suffered disclosure statement to the effect that the

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recovered contraband was supplied by the petitioner and accordingly, he was nominated as accused. He along with co-accused Joni was nominated as such. The petitioner was arrested on 23.07.2024 and 18 grams of contraband was recovered at his instance whereas 22 grams of contraband was recovered from the conscious possession of accused Joni. They were formally arrested. Investigation qua them stands concluded.

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 has no concern with the recovery of 375 grams of heroin. The recovery allegedly effected from him is of non commercial quantity. The bar of Section 37 of NDPS Act is not attracted qua him. He is in custody for a period of about 1 year, 4 months and 22 days. He has clean antecedents. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be extended benefit of bail.

4. Per contra, learned Assistant Advocate General, Punjab has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. It is also submitted that the previous two petitions as filed by the petitioner were dismissed as withdrawn and there is no new or substantive change in the circumstances.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have supplied 375 grams of

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contraband to the co-accused. It is only on thorough assessment of the evidence to be produced during trial that any definite conclusion can be drawn that the petitioner was supplier of the contraband or not. Non commercial quantity of contraband is alleged to have been recovered at his instance. He was named in the disclosure statement of the accused. 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. He is in custody since 23.07.2024. The trial will take considerable 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.
7. 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.
8. 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.

15.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No