

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:167069



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CRM-M-66139-2025 (O&M)
Date of decision:01.12.2025

Gurbax Singh @ Laddu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jatinder Pal Singh, Advocate and
Mr. Tejbir Singh Hundal, Advocate for the petitioner.

Mr. Vivek Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The petitioner is seeking indulgence of this Court for grant of regular bail in case arising out of FIR No.19, dated 02.02.2024, registered under Sections 15 and 29 of the NDPS Act (Offence under Section 29 of the NDPS Act was added lateron vide DDR No.25 dated 05.02.2024), at Police Station City South, District Moga.

2. The aforementioned FIR was registered on the allegations that on 02.02.2024, the accused Joginder Singh @ Bhola @ Jaggu was apprehended by a police party while he was riding a vehicle bearing registration No.PB-08-BD-6149 and 10 plastic sacks containing 20 kgs. each of poppy pods i.e. total 200 kgs. Poppy pods was recovered from the vehicle. He was formally arrested. He suffered disclosure statement to

the effect that he along with the co-accused Harjit Singh was involved in the business of poppy pods. The said Harjit Singh was nominated as accused. During the course of investigation, it was found that the actual name of Joginder Singh was Baljinder Singh @ Kaka son of Mohinder Singh and a false name was projected. Offence under Section 419 of IPC was added against the petitioner. He was interrogated again and admitted that he had concealed his real name. He also disclosed that he along with the the present petitioner used to supply poppy pods at Moga. Present petitioner was also nominated as an accused and was arrested on 14.12.2024. 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 disclosure statement of co-accused Baljinder Singh @ Kaka, which cannot be considered to be admissible in evidence. He is in custody since 14.12.2024. The trial is likely to take time. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. He has a permanent abode. There are no chances of his absconding. It is, therefore, argued that he deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has argued that the petitioner is a habitual offender as three more cases of similar nature have been registered against him. There are chances of his absconding or committing similar offences, if

extended benefit of bail. It is, thus, stressed that he does not deserve to be extended benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties at a considerable length.

7. The petitioner is alleged to have supplied contraband to the main accused Baljinder Singh @ Kaka. No recovery has been effected from him. He is in custody since 14.12.2024. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose. Rigors of Section 37 of the NDPS Act are not attracted in this case. 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 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 Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since long. 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 switched on all the times.

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.

(MANISHA BATRA)
JUDGE

01.12.2025

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