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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.68638 of 2025
Date of decision: 23.12.2025

Lovepreet Singh @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No. 55 dated 11.05.2024, registered under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) (Section 29 of NDPS Act and Section 201 of IPC added later on) at Police Station Sultanwind, District Police Commissionerate Amritsar.

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2. As per the allegations, co-accused Tanveer Singh @ Tannu was apprehended by a police party on 11.05.2024 and 255 grams of heroin was recovered from him. He suffered disclosure statement, on the basis of which, co-accused Gubakshish Singh was nominated as supplier of the contraband. Co-accused Gubakshish Singh was arrested on 29.05.2024. He too suffered disclosure statement, on the basis of which, co-accused Manpreet @ Mannu was arrested and then on the disclosure made by him, the accused Nishan Singh was nominated as an additional accused in this case on the allegations that he had supplied the recovered contraband to the co-accused. Nishan Singh was arrested on 05.06.2024. In his disclosure statement, he disclosed that the petitioner who was his cousin brother and was confined in Goindwal Jail, Tarn Taran was involved in sale of contraband and used to contact him through Whatsapp calls from a particular mobile number and he used to supply contraband as per his directions. He also disclosed that on 10.05.2024, as per the directions of the present petitioner and co-accused Manpreet Singh, he had supplied heroin to accused Tanveer Singh. The petitioner was joined into investigation by way of production warrants and was arrested on 08.11.2024. 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

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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. He is in custody since 08.11.2024. After dismissal of his previous petition and till date, only 03 witnesses out of total 23 witnesses have been examined. Trial will take considerable time to conclude. His further detention would not serve any useful purpose. His involvement in other cases cannot be made a ground to deny him bail in this case. 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 Assistant Advocate General, Punjab has argued that taking into consideration the gravity of the allegations levelled against the petitioner, he does not deserve to be extended benefit of bail and it is, hence, argued 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

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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, who himself was nominated on the basis of the disclosure statement suffered by another co-accused. As per the allegations, the co-accused had sourced the contraband from the co-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. The petitioner is in custody for a period of over one year. The considerable number of witnesses are yet to be examined. There are no chances of conclusion of trial in near future. He has been nominated on the basis of the disclosure statement suffered by the above named co-accused. While the veracity of the disclosure statement against the

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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 08.11.2024. 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. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. 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 any more. 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.

23.12.2025
manju

(MANISHA BATRA)
JUDGE

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