

CRM-M-3672-2024

2026:PHHC:033282



106 (1st case)

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

CRM-M-3672-2024

Jagjeet Singh @ Kala

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 05, 2026

Date of Uploading: March 05, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. C.S. Jattana, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking grant of regular bail to the petitioner, in case bearing FIR No.222 dated 20.10.2023, registered for the offences punishable under Sections 18C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Sardulgarh, District Mansa.

2. The gravamen of FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 12 kg. opium from car bearing No.PB-61-D-5996 being

CRM-M-3672-2024

driven by co-accused, namely, Vikram Singh Manna. In the disclosure, the said co-accused disclosed that he had purchased the same from Gopal Lal Anjna, and had to sell the same further to Jagdish Singh @ Kala, Jagjit Singh @ Kala (petitioner herein) and Jarnail Singh @ Jaili. Thus, the petitioner was implicated in this case on the basis of disclosure of aforesaid co-accused – Vikram Singh Manna.

3. Learned counsel for the petitioner has iterated that the petitioner was arrested on 23.10.2023. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner was granted concession of interim bail, vide order dated 19.04.2024, on medical grounds, and the petitioner has not misused the said concession till date. Learned counsel has further iterated that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has further iterated that assuming *arguendo*, the prosecution version is taken to be correct, the petitioner has been nominated into the FIR question on the basis of disclosure of co-accused, namely, Vikram Singh Manna, from whom, alleged recovery of contraband was effected. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 05 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

CRM-M-3672-2024

Learned State counsel seeks to place on record the custody certificate dated 04.03.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was initially arrested on 23.10.2023, and indubitably, he was released on interim bail, on medical grounds, vide order dated 19.04.2024 passed by this Court, and the same is enuring till date. It is further admitted case that the petitioner has not misused the said concession. Upon culmination of investigation, the challan stands presented on 15.04.2024. It is also not in dispute before this Court that out of total 22 prosecution witnesses cited, only 01 has been examined till date. The contraband is alleged to have been recovered from the co-accused of the petitioner, and the petitioner has been nominated in this case on the basis of disclosure of said co-accused. As per prosecution version, there is no other material available to connect the petitioner with the contraband except for the said disclosure statement. It is pertinent to note that such disclosure statements, in the absence of corroborative evidence hold limited evidentiary value and cannot be sole basis for implicating the petitioner. The reliance on this unsubstantiated statement raises serious doubts about the fairness and objectivity of the investigation. It is not in dispute that the petitioner was not present at the spot. The veracity and weightage required to be attached to the disclosure statement made by the co-accused will be fully tested at the time of trial. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does

CRM-M-3672-2024

not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. At this juncture, it would be apposite to refer to a judgment passed by this Court in *Anshul Sardana versus State of Punjab*, passed in **CRM-M-65094-2024** (2025: PHHC:004198), wherein, after relying upon the *ratio decidendi* of the judgments of the Hon'ble Supreme Court in Tofan Singh versus State of Tamil Nadu, AIR 2020 Supreme Court 5592; Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau, 2024 INSC 290; State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.', 2022 (1) RCR (Criminal) 762; and Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:

“6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law. However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected.”

CRM-M-3672-2024

6.2. Further, pursuant to the order dated 26.02.2026 passed by this Court, learned State counsel has filed fresh medical status report by way of an affidavit dated 03.03.2026, in the Court today, which is taken on record.

Relevant of the said report reads thus:

“3. That in compliance of the order, passed by this Hon'ble Court, it is respectfully submitted that on receipt of the copy of above mentioned order, answering deponent has immediately called the case/file and related record. Perusal of the case/file and related record reveals that as per report Dated 26.02.2026 (Annexure R-1) given by Dr. Satnam Singh Bagichi, G.A.M.S. MD UNI, Physician & Surgeon, it was mentioned therein that "Mr. Jagjeet Singh son of Ranjeet Singh r/o Shri Muktsar Sahib is a case of fever, Nausea, vomiting, hypertension and EMT with IHD etc. due to chronic Renal disease, since last 11 years. He also remained under medical treatment from GGS Medical College Faridkot and Adesh Institute of Medical Sciences and Research Bathinda and the patient also remained under treatment of various doctors but not recovered. The patient is now from 03 years back under my treatment and as per my diagnosis, he is not in the condition to undergo surgery as he is too weak and 06 times renal operated and not fit for dialysis. He is still under my treatment and he is also taking physiotherapy. He require continuous medical treatment. His condition is unstable."

4. That from the above mentioned medical opinion of concerned doctor Dr. Satnam Singh Bagichi, G.A.M.S. MD UNI, Physician & Surgeon, it was ascertained by the IO that petitioner is suffering from kidney, heart and stomach diseased and is under treatment with Dr. Satnam Singh Bagichi.”

6.3. As per custody certificate dated 04.03.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 05 months & 29 days. Further, as per the said custody certificate, the appellant is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the appellant in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***, a

CRM-M-3672-2024

Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

CRM-M-3672-2024

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 05, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No