



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125+216 (1)

CRM-M-11642-2026 (O&M)

Date of decision: 29.04.2026

DEEPAK SINGH @KALA

.....PETITIONER

Versus

UNION OF INDIA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Ms. Dolli Sharma Advocate &
Mr. Sahil Gupta, Advocate
for the petitioner.

Mr. H.S. Sullar, S.P.P. with
Mr. Harneesh Kumar, Advocate
for the respondent-NCB.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.**CRM-16956-2026**

Allowed as prayed for and in the order dated 07.04.2026 Mr. H.S.

Sullar S.P.P. be also added as Advocate for the respondent-NCB.

Main case

1. This petition for bail is the first petition, filed by the petitioner



under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of Crime No.33 dated 11.09.2025 for the commission of offence punishable under Sections 8, 21, 23, 27-A, 29, 60 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Narcotics Control Bureau, Amritsar Zonal Unit, Amritsar.

2. Briefly stating the facts emerging from record are that on 11.09.2025 a team of officials of Border Security Force handed over a packet containing 500 grams of 'Heroin' packed in a Pakistan origin cloth. Along with abovementioned contraband, the custody of three traffickers namely 'Tejvir Singh', 'Nishan Singh' and 'Sajan Singh' was also handed over to the officer of 'Narcotic Control Bureau'. Thus, the abovementioned persons were formally arrested and the process for producing them before the Magistrate was undertaken. According to prosecution on interrogation 'Tejvir Singh' and 'Nishan Singh' nominated one person namely 'Kala', who was responsible for receiving the consignment of Heroin.

3. It is the case of the prosecution that the petitioner and the above name accused all are members of the same group involved in the activities of smuggling of large quantity of heroin from neighbouring country i.e. Pakistan.

4. Heard.

5. It has been contended on behalf of petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that without any legal and reasonable basis, he has been placed behind the bars by the officers of NCB. According to learned counsel for the petitioner the petitioner has clean antecedents, and that he is already in custody for a period of more than 7 months, and that the only evidence collected by the



Investigating Agency, against the petitioner, is the disclosure statement of co-accused which is otherwise inadmissible in evidence.

6. The learned Senior Standing Counsel for the respondent has controverted the above mentioned arguments. According to learned Senior Standing Counsel for the respondent the recovery of contraband in the present case is 500 gms of Heroin, which comes within the ambit of commercial quantity. According to learned Senior Standing Counsel for the respondent in view of above mentioned quantity of recovered contraband the rigors of Section-37 of NDPS Act are attracted in the present case and therefore, without satisfying the twin conditions, the petitioner is not entitled to bail.

7. It has also been contended by learned Senior Standing Counsel for the respondent that the statement of co-accused was recorded under Section-67 of NDPS Act and in view of contents of above mentioned statement there is a direct nexus between the recovery of contraband and the petitioner. While claiming that the petitioner is involved in illegal activities of smuggling drugs from the neighbouring country, the learned Senior Standing Counsel for the respondent has sought for dismissal of present bail petition.

8. To deal with similar fact-situation, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Vijay Singh Vs. The State of Haryana' 2023 SCC OnlineSC 1235 are relevant. In the abovementioned case, the petitioner was not present on the spot at the time of recovery and he was implicated solely on the basis of statement of co-accused. The Hon'ble Supreme Court of India in the abovementioned case afforded the benefit of bail to the accused.

9. Similarly, in the case of 'Surender Kumar Khanna Vs.



Intelligence Officer Directorate of Revenue Intelligence' 2018(3) SCC Online SC 757, are relevant, wherein it has been held by the Hon'ble Supreme Court of India that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused

10. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of 'Preet Kamal Vs. State of Punjab', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

11. In 'Tofan Singh Vs. State of Tamil Nadu', 2021(4) SCC 1 also, it has been observed by the Hon'ble Supreme Court of India that confessional statement of accused recorded under Section 67 of NDPS Act cannot be admitted in evidence, as a confession.

12. The record has been perused carefully.

13. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that:-

- i) that the petitioner is already in custody for a period of more than seven months;
- ii) that the benefit of bail has already been accorded to similarly placed co-accused;
- iii) that nothing has been left to be recovered from the possession of the petitioner;
- iv) that the petitioner was not present on the spot at the time of recovery, and his name cropped up in the disclosure statement suffered by his co-accused
- v) that the only evidence collected by the Investigating Agency qua



the petitioner is the disclosure statement of his co-accused which was recorded when the above-said co-accused was already in police custody. Thus, there is a question mark with regard to admissibility of above mentioned disclosure statement in evidence;

- vi) that the trial are not likely to be concluded in near future;
- vii) that the petitioner has clean antecedents
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

14. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal



jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

15. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

16. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court



of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

17. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

18. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

19. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that 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 to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in

address to the trial Court, till the final decision of the trial; and

(iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

29.04.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No