

CRM-M-12969-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-12969-2025 (O&M)****Reserved on : 02.02.2026****Pronounced on : 10.02.2026**

Lovepreet Singh @Love

..... Petitioner

VERSUS

State of Punjab

..... Respondent

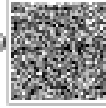
CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J.

This is fourth petition for bail filed by the petitioner with regard to FIR No.49 dated 16.11.2023 under Sections 21, 25, and 29 of 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', Police Station State Special Operation Cell, Intelligence Amritsar, District Intelligence Wing (CID). The abovementioned FIR came into being at the instance of 'ASI Gurbinder Singh', who had reported that on 16.11.2023 when he was leading a police party deputed for usual law and order duty, a reliable source gave him a tip-off that Gupreet Singh @Billa confined in Central Jail Jammu had formed a group with Niranjana Singh, and that the abovementioned group was involved in inter-state smuggling of narcotic substance. According to abovementioned report, it was also informed by the informer that on the instructions of 'Gurbinder Singh', Niranjana Singh had received huge quantity of heroin, and that on that day on

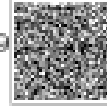
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the instructions of Gurpreet Singh, Niranjana Singh was going to deliver the same in his Swift car.

2. It is the case of the prosecution that in view of abovementioned information, firstly information was sent to the police station and senior police officers and thereafter, the FIR of this case lodged. According to prosecution, acting upon the abovementioned information, Inspector Inderdeep Singh intercepted the car of Niranjana Singh near Model Town Colony, Zira and conducted search of his car as per prescribed rules and procedures. As per prosecution, in the abovementioned checking, 3.5 kg of Heroin was recovered from the car of Niranjana Singh and thereafter, requisite formalities with regard to seizure and sealing of contraband and formal arrest of accused were undertaken.

3. It is the further case of the prosecution that during the course of investigation, the accused Niranjana Singh was interrogated, who in his disclosure statement, disclosed that Ravi Kumar @None and Gurpreet Singh, who were confined in Central Jail Jammu, were involved in smuggling of Heroin along with him. As per prosecution, in view of abovementioned information, when Gurpreet Singh was joined in the investigation of present case, he, too, suffered a disclosure statement, wherein he disclosed that two pistols of .30 bore and one pistol of .32 bore were procured by him and that he used to send drug money to Pakistan through Hawala racket with the help of Lovepreet Singh (petitioner herein). It was also disclosed that .30 bore pistol along with three live cartridges was

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handed over by him to Lovepreet Singh (petitioner herein) and remaining two pistols to Jarnail Singh S/o Balkar Singh.

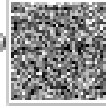
4. According to prosecution, pursuant to abovementioned disclosure statement Lovepreet Singh (petitioner herein) was arrested and from his possession, .32 bore pistol was recovered (from his house), which was duly seized by the police.

5. The record has been perused carefully.

6. Since in the present case recovery of huge quantity of contraband, from the co-accused Niranjan Singh, is involved, 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.

7. Similarly, in the case of 'Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(8) SCC 271, 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.

8. 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)

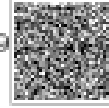


RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

9. 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.

10. 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 two years and one month;
- (ii) that in addition to present case, there is one more case pending against the petitioner under NDPS Act;
- (iii) that no drug or narcotic substance has been recovered from the possession of petitioner;
- (iv) that the petitioner is not the owner of car, from which the recovery of contraband had taken place;
- (v) that nothing is left to be recovered from possession of petitioner;
- (vi) that qua recovery of narcotic substance, except the disclosure statement of co-accused Niranjana Singh, there is no other connecting evidence. The abovesaid disclosure statement, too, was recorded when Niranjana Singh was in custody. Thus, there is a question mark on the admissibility of abovesaid disclosure statement, qua the role attributed to the petitioner;

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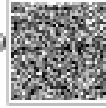
(vii) that trial is not likely to be concluded in near future;

(viii) that detention of petitioner in judicial lock up is not likely to serve any 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; and

(x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

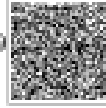
11. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption 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”.

12. 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”.

13. 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



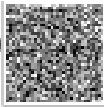
bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

14. 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.

15. 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.

16. 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 abovementioned 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.



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- (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

10.02.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No