

2026.PHHC.048789



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13596-2026

Jagmohan Singh @ Jaggu @ Jagga

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	25.03.2026
2	The date when the judgment is pronounced	30.03.2026
3	The date when the judgment is uploaded on the website	30.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. K.P.S. Dhaliwal, Advocate and
Mr. Gaurav Datta, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 34 dated 10.06.2024 registered under Sections 21, 25 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short ‘NDPS Act’) and Section 25 of

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Arms Act, 1959 (Sections 317(2), 341(2), 341(3) and 341(4) of BNS were added later on) (corresponding Sections 411 and 473 of IPC) at Police Station State Special Operation Cell, Amritsar, District Amritsar.

2. As per the allegations, on 10.06.2024, a secret information was received by SI Bhupender Singh to the effect that Gursahib Singh and Sajan Singh were indulged in the business of smuggling of contraband and illegal arms and ammunitions from Pakistan and on the previous night, they had received a large consignment of arms and ammunition at Indo Pak barricade Sector of Dera Baba Nanak, Gurdaspur. It was informed that the consignment was given to Satnam Singh, an associate of the above named persons and they were going to deliver the same on a motor bike to someone at Amritsar.

3. As further alleged, believing the secret information to be correct, a raiding party was formed which reached at bus stop village Khusar Tahlil, Dera Baba Nanak road and laid a barricade. Sometime, thereafter, accused Gursahib Singh and Sajan Singh were found coming on a motor bike. They were stopped. On conducting search, 7.500 kgs of heroin and 16 live cartridges of .30 bore were recovered from their conscious possession which were kept in one carry bag by them. The same were taken into possession. The above named Gursahib Singh and Sajan Singh were arrested. On interrogation, the accused Gursahib Singh suffered disclosure statement to the effect that accused Manjit Singh @ Bhola was also involved with them in smuggling of contrabands, arms and ammunition. Accused Satnam Singh, was also apprehended on the same day when he was going in a swift car. On conducting

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search, 500 grams of heroin and one pistol .30 bore loaded with 10 live cartridges were recovered from his conscious possession, which too were taken into custody. The accused Satnam Singh suffered disclosure statement to the effect that as per the directions of one Rajwinder Singh, he used to receive consignment of heroin, arms and ammunitions from Gursahib Singh and one unknown person and used to further deliver the same to the present petitioner an associate of Rajwinder Singh as well as to Sukhwinder Singh on the desired locations shared by Rajwinder Singh via *WhatsApp*. The petitioner, Rajwinder Singh, Sukhwinder Singh @ Sukh were nominated as additional accused.

4. Accused Sukhwinder Singh @ Sukh was arrested on 29.06.2024. He too disclosed about his involvement with the present petitioner in smuggling of the contraband and about receiving consignment of the same. The petitioner who was lodged in custody in central jail, Shri Goindwal Sahib in some other case, was joined into investigation in this case and was formally arrested on 08.09.2025. He too suffered disclosure statement admitting his involvement in the crime. Investigations now stands concluded.

5. 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 the co-accused Satnam Singh, which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery has been effected from him. He has no link with the co-accused and has been implicated only due to political vendetta as he belongs to the Opposite ruling party. He is not required

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for further investigation which stands concluded. Trial is likely to take time. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that he deserves to be released on bail.

6. *Per contra*, learned State counsel while relying upon the status report has vehemently argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

7. This Court has heard learned counsel for the parties at considerable length.

8. 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 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

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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.

9. The petitioner is alleged to have involved in the smuggling of contraband, arms and ammunitions received from cross the border and is alleged to have been a close associate of one handler namely Gursahib Singh. He had been nominated in this case on the basis of disclosure statement of 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. 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. The petitioner was arrested on 08.09.2025. 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. Conclusion of trial would take considerable time. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail. 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 anymore. Accordingly, the present petition is allowed.

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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.

10. 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.

11. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |