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

**CRM-M No.17430 of 2026
Date of Decision: 08.04.2026**

Maanpartap Singh @ Maan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. K. D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.228, dated 26.08.2025, under Sections 21, 29 of NDPS Act, registered at Police Station Anti Narcotics Force, District ANTF Wing, SAS Nagar.

2. Succinctly, the facts of the case are that the police party while on patrolling on 26.08.2025, received a secret information to the effect that Jaspreet Singh @ Jashan, against whom cases of fight and quarrel have already been registered, was involved in the illegal business of selling heroin. It was informed that he would come towards street No.1 from the Fatehgarh Churian road side and go to Majitha road side to sell the heroin to his customers and in case of barricading, he could be apprehended along



with the contraband. On receiving the secret information, the police party reached the place as disclosed in the secret information and laid the barricading. The person, as disclosed in the secret information, was seen coming, however, on suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Jaspreet Singh @ Jashan. He was suspected to be carrying some contraband and thus, his search was conducted. On conducting his search, 1 Kg 31 grams of heroin was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented. During the investigation, complicity of the petitioner surfaced as he was the supplier of the contraband and, thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 27.08.2025. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 28.11.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him, however, during the investigation, he has been roped in



the present case on the basis of disclosure statement of co-accused, namely, Jaspreet Singh @ Jashan, from whom the contraband weighing 1.31 Kg heroin was recovered. He has submitted that the disclosure statement of the co-accused in itself is not even an admissible evidence. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars from last more than 07 months. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that during the investigation, complicity of the petitioner surfaced as he was found to be the supplier of the contraband recovered weighing 1.31 Kg of heroin from the co-accused, namely, Jaspreet Singh @ Jashan. He has submitted that the contraband recovered in the present case from the co-accused falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that the investigation is complete and the challan already stands presented. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case weighing 1.31 Kg of heroin was effected from the co-accused, namely, Jaspreet Singh @ Jashan. The petitioner was arrayed as an accused in the



present case on the basis of disclosure statement of co-accused. Custody certificate produced would show that the petitioner has suffered an incarceration of 07 months and 09 days as on 07.04.2026. It further reflects that the petitioner is not involved in any other case. Investigation is complete and the challan already stands presented.

7. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. There is a further danger of the prisoner turning to crime,



“as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.”

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.04.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No