



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

241

CRM-M-16241-2026 (O&M)
Date of decision : 01.04.2026

Jagtar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Shivender Pal Singh, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J.

This petition for bail is the first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.143 dated 18.09.2025, for the commission of offence punishable under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023, and Sections 22, 27(a), and 29 of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', Police Station Chattiwind, District Amritsar Rural.

2. The abovementioned FIR came into being at the instance of 'SI Dharminder Singh', who was leading a team of police officials and on the basis of a tip-off given by a reliable source, apprehended two persons, namely Gurbaj Singh and Jagtar Singh (the petitioner herein). According to prosecution, from the possession of abovementioned persons, 1030 loose intoxicating tablets were recovered.



3. It is the case of the prosecution that pursuant to recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and formal arrest of the accused were performed, and further investigation taken up. According to prosecution, when accused Gurbaj Singh was interrogated, he suffered a disclosure statement, wherein he disclosed that he had purchased the abovementioned tablets from Akash and Bobby , who were involved in the illegal trade of drugs.

4. **Notice of motion.**

5. Mr. I.P.S. Sabharwal, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. Custody Certificate has been filed by learned State Counsel. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner was not present on the spot at the time of recovery, and that he has been roped-in, in the present case, merely, on the basis of alleged secret information and also the disclosure statement suffered by co-accused Gurbaj Singh. According to learned counsel for the petitioner, the petitioner is already in custody for a period of more than two months and that he has no other case pending against him under NDPS Act.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel although at



the time of recovery, the petitioner was not present at the spot, but his name was disclosed by the informant to the police officer. As per learned State Counsel, the recovery in the present case comes within the ambit of commercial quantity and therefore, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. To deal with given 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.

11. 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.

12. 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.



13. 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.

14. 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 months;
- (ii) that the petitioner is not facing any other case under NDPS Act;
- (iii) that the trial is not likely to be concluded in near future;
- (vi) that nothing has been left to be recovered from possession of petitioner;
- (vii) that the detention of petitioner in judicial lock up is not likely to serve any purpose;
- (viii) 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
- (ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

15. 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(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”.

16. 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”.

17. 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”.

18. 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.



19. 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.

20. 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.
- (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

01.04.2026
Vinod

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