

2026.PHHC.077131



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-19269-2026

Prabjot Singh @ Prabh Saini

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	14.05.2026
2	The date when the judgment is pronounced	19.05.2026
3	The date when the judgment is uploaded on the website	19.05.2026
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. Sangram Singh Saron, Advocate with
Ms. Kimreet Kaur Khurana, Advocate and
Mr. D.S. Grover, 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. 04 dated 08.01.2026 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’) (Section 29 of NDPS Act added later on) at Police Station P.S. Rahon, District Shaheed Bhagat Singh Nagar, Punjab.

2. As per the allegations, on 08.01.2026, while performing

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patrolling duty a police party was proceeding towards Bus Stand Rahon, when a youth was seen coming out of a street in a hurried manner. On noticing the police officials, he became perplexed and threw away a black coloured polythene bag which he was carrying in his hands. On suspicion, he was apprehended and on inquiry, he disclosed his name as Ranjit Singh @ Jawanda. He also disclosed his other particulars. On opening the polythene bag thrown by him, 400 grams of *heroin* was found to be kept therein, which was taken into possession. He was formally arrested. During interrogation, he suffered a disclosure statement to the effect that the petitioner and his brother, Gurpreet Singh were engaged in the business of sale of contraband and that he had purchased the recovered *heroin* from them at the rate of Rs. 1300/- per gram and that he had given order for purchase of the same through the Snapchat ID of the petitioner. He also disclosed that he had paid an amount of Rs. 1,00,000/- to the petitioner with the assurance that the remaining amount would be paid after the sale of the contraband to the customers. The petitioner was nominated as an accused. He, along with his brother, was arrested in connection with the offence under the NDPS Act. Investigation is still going on.

3. 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 which cannot be considered to be admissible in evidence. Though as per the disclosure of the co-accused Ranjit Singh, he had placed order for purchase of contraband via snapchat to him on 06.01.2026 but he was already

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in judicial custody in connection with case bearing FIR No. 155 dated 25.10.2025 registered at Police Station Rahon, District SBS Nagar at that time and was granted bail vide order dated 25.02.2026. He has been falsely implicated in other cases by the police officials of the same police station within short span of time. No recovery has been effected from him. He is not required for further investigation. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel while relying upon the status report has argued that the allegations against the petitioner are serious in nature. He is a habitual offender being involved in four more cases. There are chances of his committing similar offences, if extended benefit of bail. The investigation is still going on. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Ranjit Singh @ Jawanda, from whom recovery of commercial quantity of contraband has been effected. As per his disclosure statement, he had sourced the contraband from the petitioner. 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

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during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since 06.02.2026. The rigors of Section 37 of NDPS Act are attracted qua accused Ranjit Singh @ Jwanda from whose custody recovery of *heroin* had taken place. No recovery has, however, been effected at the instance of the petitioner. The admissibility and credibility of the disclosure statement of the co-accused is to be tested during trial. The investigation and trial will obviously take considerable time to conclude. No fruitful purpose would be served by detaining the petitioner in custody anymore. There is nothing on record to show that if released on bail, the petitioner is likely to indulge in any similar offence or that he will not cooperate with the trial proceedings. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. similar is the proposition of law laid down by learned counsel for the petitioner. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

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facts of the case or tamper with the evidence of the case in any manner whatsoever.

(ii) he shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th May, 2026
Parveen Sharma

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