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

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CRM-M-28667-2026 (O&M)
Date of decision : 25.05.2026

Ajay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Pushp Jain, Advocate for
Mr. Rahul Aggarwal, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 109 dated 08.05.2025, registered under Sections 21(c), 23, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 25(8) and 25 of the Arms Act, 1959 (*added later on*) at Police Station City Tarn Taran, District Tarn Taran.

2. As per the allegations, on 08.05.2025, co-accused Lovepreet Singh @ Love and Jagroop Singh were apprehended on the basis of a secret information. They were interrogated. Co-accused Lovepreet Singh suffered a disclosure statement admitting his involvement with the drug peddlers from Pakistan and got recovered 5 kgs. 23 grams of heroin, drug money to the tune of Rs.7,20,000/-, 07 illicit pistols of 30 bore along with 11 magazines and 40 live cartridges. He suffered another disclosure statement on 09.05.2025 on the

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basis of which the petitioner and Sahilpreet Singh @ Sunny were nominated as additional accused on the allegations that they had been giving him money and heroin on the asking of one Raja and that out of the recovered pistols, three pistols were given to him by the present petitioner and co-accused Sahilpreet Singh @ Sunny. The petitioner was arrested on 09.05.2025. At the instance of the petitioner and Sahilpreet Singh @ Sunny, recovery of 102 grams of heroin and one Splendor bike was effected. Some other persons were also nominated in this case. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he was neither found at the spot nor was named in the FIR. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which cannot be considered to be admissible in evidence. A false recovery was planted upon him. He has clean antecedents. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. Even otherwise, the quantity of the contraband allegedly recovered from him and co-accused does not fall under commercial quantity. He is in custody since long. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as out of total 25 prosecution witnesses, none has been examined so far. No useful purpose would be served by keeping him in custody anymore. Co-accused Sahilpreet Singh @ Sunny has already been granted concession of regular bail by this Court. On parity, the petitioner too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed and the

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petitioner deserves to be released on regular bail.

4. Notice of motion.

5. Learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. 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 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.

8. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, the petitioner had been supplying contraband and money to him. It was also

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disclosed that he had supplied him three illicit pistols. A subsequent recovery of 102 grams of heroin is shown to have been effected from the petitioner and co-accused Sahilpreet Singh @ Sunny. Though the allegations make out a prima facie case against the petitioner for the alleged offences, however, it is also significant to note that the quantity of the contraband recovered from him does not fall under commercial quantity. He has no previous criminal history. Investigation has since been completed and challan has been filed. Conclusion of trial would obviously take considerable time as none out of total 25 prosecution witnesses has been examined so far. Similarly situated co-accused Sahilpreet Singh @ Sunny has been granted benefit of bail by this Court. The principle of parity also weighs in favour of the petitioner. 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. 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.

9. 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.

25.05.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*