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

CRM-M-59697-2025 (O&M)

Dalwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	23.02.2026
2	The date when the judgment is pronounced	24.02.2026
3	The date when the judgment is uploaded on the website	24.02.2026
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. G. P. S. Ghuman, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 25 dated 20.02.2024, registered under Sections 18, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station GRP, District Ludhiana. His previous petition was dismissed as withdrawn on 25.04.2025.

2. Brief facts of the case relevant for the disposal of the present

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petition are that on 20.02.2024, co-accused Satyadev Teeru was apprehended by a police party headed by Inspector Palwinder Singh and recovery of 15 kgs. of opium was effected from a bag which he was carrying. Since he could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. He suffered disclosure statement admitting his involvement in the subject offences and disclosed that Gurudayal Singh Munda and Kuldeep Singh @ Deepa were also involved with him in sale/purchase of opium in the area of Phagwara. He further disclosed that on 04.02.2024, he had supplied 12 kgs. of opium to an unknown person at Railway Station, Phagwara at the instance of Gurudayal Singh Munda and on 05.02.2024, Gurudayal Singh Munda himself had supplied 12 kgs. of opium to the said unknown person for a sale consideration of Rs.16 Lakhs, out of which, he had received an amount of Rs. 2 Lakhs in cash and an amount of Rs.1,10,000/- was deposited in his bank account by Gurudayal Singh Munda. He also disclosed that the recovered contraband was given by Gurudayal Singh Munda to deliver the same to the said unknown person at Railway Station, Phagwara. On the basis of the same, Gurudayal Singh Munda was nominated as accused in this case. During further investigation, it was found that there were bank transactions between Gurudayal Singh and said Kuldeep Singh @ Deepa and one Harjinder Singh @ Jinder. Accordingly, both of these persons were also nominated as accused. During further investigation, the Investigating Officer received a secret information that accused Satyadev Teeru used to supply opium to the present petitioner as well. He was nominated as accused in this case on 18.12.2024 and was arrested on 20.12.2024. He suffered disclosure statement to the effect that co-accused Kuldeep Singh @ Deepa used to sell

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opium to him and he had deposited a sum of Rs.2,45,000/- in the bank account of accused Satyadev Teeru. Investigation now stands completed and 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 a secret information allegedly received by the Investigation Officer after 10 months from registration of the FIR. He has clean antecedents. No recovery of any contraband has been effected from him. There is nothing on record to connect the petitioner with the subject offences. Previously, he had worked as a petrol pump manager for about 28 years. He had come into contact with co-accused Kuldeep Singh @ Deepa, who used to fuel his taxis there. He had convinced him to deposit money into the bank account of accused Satyadev Teeru on the premise of some cattle trade dues. The petitioner was not aware about the conduct of the co-accused. Even otherwise, investigation has since been completed and challan/supplementary challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far. The petitioner is in custody since long. Co-accused Harjinder Singh @ Jinder has already been granted concession of regular bail by this Court. On parity, the petitioner too deserves to be give the same benefit. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that

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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. The petitioner had deposited several amounts of money into the bank account of co-accused Satyadev Teeru, which shows his complicity in the subject crime. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. 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.

7. The case of the prosecution is that the name of the petitioner was disclosed by a secret information, as per which, he also used to purchase opium from co-accused Satyadev Teeru. The petitioner was neither named in the FIR nor any recovery of contraband has been effected from him. His implication is based on the alleged monetary transactions, the evidentiary value of which is a

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matter of trial. It is also noteworthy that he has been implicated in this case about 10 months after registration of the FIR. It will also be a debatable question as to whether bar under Section 37 of the NDPS Act would be attracted against the petitioner or not. Investigation has since been completed and challan/supplementary challan has already been presented. The petitioner has clean antecedents and has been in custody for a considerable period. The trial is likely to take time as no prosecution witness has been examined so far. Co-accused Harjinder Singh @ Jinder has already been granted concession of regular bail by this Court. 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.

8. 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.

24.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No