

2026:PHHC:018108



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

1. CRM-M-60384-2025 (O&M)

Jaswinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-61007-2025 (O&M)

Gurdev Singh @ Dev ...Petitioner

Versus

State of Punjab ...Respondent

Date of decision : 06.02.2026

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Akun Sheemar, Advocate
for the petitioner in CRM-M-60384-2025.

Mr. J. S. Jaidka, Advocate and Ms. Garim Arora, Advocate
for the petitioner in CRM-M-61007-2025.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar reliefs.
2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioners in case arising out of FIR No. 47 dated 13.05.2025, registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Jodhan, District Ludhiana (Rural).

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3. The aforementioned FIR was registered on the allegations that on 13.05.2025, a secret information was received that accused Bikramjit Singh was involved in the business of selling contraband and on that day, he was going towards village Pamaal in a car bearing registration number PB-10-GE-2063 to sell heroin and could be apprehended with huge quantity thereof. Believing the secret information to be true, a *ruqa* was immediately sent to the police station for registration of the FIR. The police party laid a *nakabandi* at the bridge of minor canal in the area of village Pamaal and apprehended accused Bikramjit Singh, who reached there in the aforementioned car. After completing requisite formalities, his search was conducted in the presence of DSP Inderjit Singh and 255 grams of heroin was recovered from the right side pocket of his pant. The same was taken into custody. Accused Bikramjit Singh was formally arrested. He was interrogated and suffered disclosure statement to the effect that he along with co-accused Baljinder Singh @ Bali had purchased heroin from petitioner Jaswinder Singh and had handed over the same to petitioner Gurdev Singh @ Dev and co-accused Gurpreet Singh @ Gopi for selling the same to different customers. On the basis of the same, the petitioners herein including some other persons were nominated in this case. The petitioners were arrested on 15.05.2025. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioners along with the co-accused are facing trial for commission of aforesaid mentioned offences.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in

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evidence. They have clean antecedents. No recovery was effected from them. There is nothing on record to show that the petitioners were involved in the subject crime in any manner with the co-accused. Even otherwise, investigation has since been completed and challan qua him has been filed. Conclusion of trial is likely to take considerable time as out of total 15 prosecution witnesses, none has been examined so far. They are in custody since 15.05.2025. No useful purpose would be served by keeping them in custody anymore. Therefore, it is urged that the petitions deserve to be allowed and the petitioners deserve to be released on regular bail.

5. Status reports along with the custody certificates of the petitioners have been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioners, they are 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 petitions are 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

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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 names of the petitioners were disclosed by the above-named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, the petitioners were also involved in sale/purchase of the contraband. 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 petitioners will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from them. The petitioners were arrested on 15.05.2025. There is nothing on record, at this stage, to connect the petitioners either with the subject crime or to show that they were connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time as no prosecution witness has been examined so far. The petitioners have clean antecedents. 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 petitioners in custody anymore. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing

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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 petitioners are 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 petitions and the same shall have no bearing on the merits of the case.

10. Let a photocopy of this order be placed on the file of the connected case.

06.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No