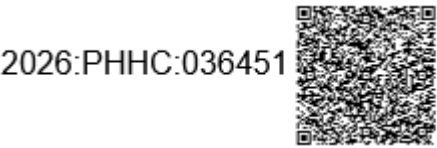


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-61539-2025 (O&M)

Yuvraj Singh @ Jugraj

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	06.03.2026
2.	The date when the judgment is pronounced	10.03.2026
3.	The date when the judgment is uploaded on the website	10.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the 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. Rishu Mahajan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Sections 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') in case arising out of FIR No.52 dated 29.03.2024, registered under Sections 21(C), 25, 29 and 27A of Narcotic Drugs and Psychotropic Substances Act (for short

“NDPS”), Section 25 of Arms Act and Section 201 of IPC, at Police Station Chheharta, District Amritsar.

2. As per the allegations, on 29.03.2024, on receipt of a secret information to the effect that accused Gagandeep Singh @ Gagan alongwith co-accused Charanjit Singh @ Charan and Harmandeep Singh @ Harman @ Happy, was involved in the business of sale of contraband and on that very day, all three of them were coming in a Baleno Car bearing registration No.PB-02-ED-7097 and they could be apprehended with huge quantity of contraband and illicit arms & ammunitions, a raiding party was formed which reached at the informed place and laid a barricade. The above said vehicle was seen coming from the side of Miri Piri Academy. The same was stopped by the Police. Three occupants of the said vehicle tried to flee away by opening the doors of the car but they were apprehended. On asking they disclosed their names and particulars. On conducting personal search of accused Gagandeep Singh @ Gagan, 01 countrymade pistol .32 bore alongwith 3 rounds of live cartridges were recovered from his conscious possession. On searching the vehicle, one black colour polythene bag was recovered. The same was containing 01 Kg 500 gm of heroin and drug money of Rs.50,000/- was also recovered from the same. All of them were formally arrested. The recovered contraband, arms and ammunition and the vehicle were also taken into custody.

3. As per the further allegations, the accused Gagandeep Singh @ Gagan suffered a disclosure statement on 29.03.2024 disclosing that the present petitioner, who was having links with Pakistani smugglers and who was currently lodged in Central Jail, Goindwal Sahib, Tarn Taran had asked

him to engage in the business of sale of contraband in lieu of handsome amount of money and had further asked him to download Zangi App. On asking of the petitioner, he had downloaded the said App and also got engaged co-accused Charanjit Singh @ Charan and Harmandeep Singh @ Harman @ Happy, with him. They used to go to the villages near the Indo-Pak border and used to pick up heroin thrown by Pakistani drones which was further supplied to unknown persons at different places, as per direction of the petitioner and then they were paid money. He also disclosed that accused Jarmanpreet Singh @ Jarman and Lovejeet Singh @ Rahul were also involved with him and that he had sold 700 grams of heroin to them and 800 grams of heroin to Lovejeet Singh @ Rahul just one day back. On the basis of this disclosure statement, the petitioner was nominated as accused. He was already in judicial custody and was lodged in Central Jail, Goindwal Sahib, Tarn Taran. His presence in this case was secured by way of issuance of production warrants. He was formally arrested on 03.04.2024. On interrogation, he too suffered disclosure statement admitting his involvement in the crime. Offence under Section 201 IPC was added since as per his disclosure, the phone used by him in the barrack of the jail had been destroyed, to cause disappearance of evidence of offence. Investigation now stands completed. Previous petition as filed by the petitioner was dismissed as withdrawn.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was already lodged in jail in connection with some other case at the time

of the alleged occurrence and therefore, there was no question of his being a source for sale/supply of the contraband. No recovery has been effected from him. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. The call detail record allegedly relied upon by the respondent/State in its status report is not a part of the challan report nor in the absence of any transcript, the same shows that the petitioner had been making any calls to the co-accused and was indulged in the business of sale/supply of contraband. Co-accused Paras Singh @ Paras Singh and Jarmanpreet Singh @ Jarman have already been extended benefit of bail. On parity, he too deserves to be extended the same benefit. Each day spent by him in custody furnishes a new ground to him to seek concession of bail. It is, therefore, argued that the petition deserve to be allowed.

5. Per contra, learned State counsel while relying upon the status report has argued that the allegations against the petitioner are serious in nature. Rigors of Section 37 of the NDPS Act are attracted in this case. The petitioner was the mastermind of the crime as while being lodged in jail in some other case, he had been managing supply/sale of illicit weapons and contraband. There are chances of his absconding or committing similar offences, if extended benefit of bail. There is call detail record to establish the connection between the petitioner and co-accused, which shows his complicity in the crime.. It is further argued that the instant one being the second petition, is not maintainable since there is no substantive or drastic change in the circumstances. It is, therefore, stressed that the petitioner does not deserve to be extended benefit of bail.

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

7. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed by Hon'ble Supreme Court.

8. In the instant case, the petitioner was nominated on the basis of disclosure statement of the co-accused as the alleged source of the contraband. He was not named in the FIR. 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 during the course of trial, however, at this stage, it cannot be ignored that no recovery was effected from the petitioner. The petitioner is in custody since 03.04.2024. Only 01 out of 18 prosecution witnesses has been examined so far. Meaning thereby that there are no chances of conclusion of the trial in near future. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed

upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352***, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and Rabi Prakash v. State of Odisha, 2023 Live Law (SC) 533***, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

9. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigors of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the abovementioned case, the Hon'ble Supreme Court held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was

entitled for bail in view of her incarceration for a period of 19 months.

Similar observations were made by the Hon'ble Apex Court in *Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*, and *Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025 arising out of SLP (Crl.) No.14719 of 2025*.

10. The respondent/State has placed on record Annexures R-6 and R-7, photocopies of certain call details showing that the petitioner had made calls to co-accused Gagandeep Singh during the relevant period and as such, it is a question of debate as to whether documents can be considered at this stage.

11. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of about 01 year and 11 months , the trial is not likely to be concluded in near future; the continued detention of the petitioner is not likely to serve any fruitful purpose; there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond.

12. In view of the above discussion, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court, and subject to the condition that he shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his

passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

13. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

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

10.03.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No