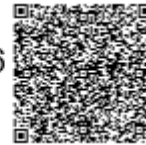


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:024606



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CRM-M-62746-2025 (O&M)

Date of decision:17.02.2026

Rashpal Singh @ Tinda

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed by the petitioner for grant of regular bail in case arising out of FIR No.25, dated 01.03.2025, registered under Section 21(C) of the NDPS Act (offence under Section 29 of the NDPS Act was added lateron), at Police Station Maqboolpura, District Amritsar.

2. As per the allegations, on 01.03.2025, accused Ranjit Singh @ Jimmy was apprehended on the basis of suspicion and 270 grams of heroin was recovered from his conscious possession, which was seized by the police. Accused Ranjit Singh @ Jimmy was formally arrested. On interrogation, he suffered disclosure statement to the effect that the recovered contraband had been supplied to him by the present petitioner.

Petitioner was nominated as additional accused and arrested on 29.05.2025. He too suffered disclosure statement admitting his involvement in the crime. Investigation now stands concluded.

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 co-accused, which cannot be considered to be admissible in evidence. Rigors of Section 37 of the NDPS Act are not attracted qua him. He is on bail in other cases as registered against him. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. The trial will take considerable time to conclude as even charges have not been framed so far. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Status report and custody certificate have been filed. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner and his criminal antecedents, he does not deserve to be extended benefit of bail.

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

6. The petitioner is alleged to have supplied commercial quantity of contraband to the co-accused. He was nominated on the basis of disclosure statement of co-accused. No recovery has ever been effected 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 during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. 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 long. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor be preventive. The deprivation of liberty has been considered as a punishment. As such, Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as 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 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-State 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

17.02.2026

harjeet

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