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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
03.02.2026	10.03.2026	FULL PRONOUNCED	10.03.2026

Jagpreet Singh @ Jagga ...Appellant

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Vipin Mahajan, Sr. Advocate with
Ms. Gaganbir Kaur Kahlon, Advocate
for the appellant.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
118	08.08.2023	Verowal, Tarn Taran	18/21/25/27-A/29/61/85 of NDPS Act, 25 (6,7)/54/59 of Arms Act, 4,5 of Explosive Act, 10/11/12 of Air Craft Act, 120-B IPC, 13/16/17/18/18-B/20 of UAPA Act (Section 10/11/12 of Air Craft Act, 1934 deleted later on)

Bail Application number before the Sessions Court	CIS No. BA 2729 of 2024
Date of Decision	14.11.2024

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Tarn Taran vide order dated 14.11.2024, the appellant had come up before this Court by filing the present appeal under Section 21 of the National Investigation Agency Act, 2008.
2. Per the custody certificate dated 20.01.2026, the appellant's custody in the present FIR is 02 years, 10 months, and 22 days, and he has the following criminal antecedents:

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Sr. No.	FIR No.	Date	Offenses	Police Station
1.	92	12.11.2021	307/34 IPC and 25, 54, 59 of Arms Act	Dera Baba Nanak

3. The appellant’s counsel submits that the appellant would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and to which the appellant shall have no objection. Counsel for the appellant further submits that he shall not use his right of speech expression beyond what is permitted under Article 19 of the Constitution of India.
4. Counsel for the appellant seeks bail on the grounds of parity with the co-accused to whom a Co-ordinate Bench of this Court had granted bail in CRA-D No.1035 of 2022 vide order dated 26.11.2024.
5. State counsel opposes the prayer for bail and has referred to the following paragraphs of the reply, which reads as follows:

“5. That during the course of interrogation of the accused Sandeep Singh Kala, he suffered his disclosure statement before the investigating officer to the effect that the amount he had earned by selling the heroin is Rs.25 Lakhs and he had given the same to his brother in law namely Gurpreet Singh son of Balbir Singh, resident of Green City, Kadia road, Batala and he also earned amount of Rs.8 Lakhs by selling the heroin and he has hidden the same in the bedroom of the house of his brother-in-law Gurpreet Singh and he also stated that the accused Gurwinder Singh @ Baba has given him one grenade and one plastic cane containing explosives and he and Jagpreet Singh alias Jagga, i.e., the appellant, has hidden the same by digging a hole in the ground near the shed of Jagpreet Singh's tubewell and he can get recover the same on the demarcation. Thereafter, on the basis of the demarcation, the accused Sandeep Singh @ Kala got recovered the drug money of Rs.8 Lakhs from the bedroom of the house of his brother-in-law namely Gurpreet Singh. It is submitted that the above Gurpreet Singh has been joined in the investigation and he was asked about the drug money of Rs.25 Lakh and he stated that he had hidden the said drug money in the almirah of his house and, thereafter, he got recovered the drug money of Rs.25 Lakhs. On the basis of above said disclosure statement suffered by the co-accused Sandeep Singh, the appellant namely Jagpreet Singh alias Jagga has been nominated in the present case vide DDR No.31 dated 09.08.2022. Thereafter, the offences under Sections 13/16/17/18/18B/20 of the UAP Act and Section 120-B of IPC had been enhanced in the present case.

10. That during the course of investigation, the arrest of the appellant namely Jagpreet Singh has been made in the present case on 24.02.2023 after obtaining production warrant from the learned Court of Illaqa Magistrate, Khadur Sahib, District Tarn Taran. During the course of his interrogation, he voluntarily suffered his disclosure statement before the investigating officer to the effect that "he has purchased 1 Kg of heroin from co-accused Gurwinder Singh and Sandeep Singh and further sold it to three accused, i.e., 500 grams to Bhupinder Singh, 300 grams to Gurlal Singh @Rubal and 200 grams to Ravinder Singh @ Raj and on the basis of above said disclosure statement suffered by the appellant namely Jagpreet Singh, co-accused namely Bhupinder Singh, Gurlal Singh and Ravinder Singh @ Raj have been nominated in the present case vide DDR No.26 dated 24.02.2023 incorporated in Roznamcha at Police Station Verowal, District Tarn Taran.

ROLE OF THE APPELLANT:

14. That as far as the role of the appellant is concerned, it is submitted that the name of the appellant namely Jagpreet Singh has been surfaced on the basis of disclosure statement suffered by the co-accused and during interrogation, the appellant confessed that he has purchased 1 Kg of heroin from co-accused Gurwinder Singh and Sandeep Singh and has further sold it to three accused, i.e., 500 grams to Bhupinder Singh, 300 grams to Gurlal Singh @ Rubal and 200 grams to Ravinder Singh @ Raj. Moreover, the recovery affected in this case falls under the purview of commercial quantity as mentioned in the schedule attached with the NDPS Act and the provision contained in Section 37 of NDPS Act has been attracted and there is ! Complete bar under Section 37 of NDPS Act to release any person on bail in case the recovery affected falls under the purview commercial quantity."

6. We have perused the said order, and it is appropriate to reproduce the following paragraph of the said judgment, which reads as follows:

"As per disclosure statement dated 09.08.2022, Sandeep Singh @ Kala disclosed that a sum of Rs.25,00,000/- earned by him from selling heroine had been handed over by him to his sister's husband, Gurpreet Singh @ Randhawa s/o Balbir Singh (appellant in CRA-D-317-2023) and a sum of Rs.8,00,000/- had been concealed by him in the bed cum-sofa in the bedroom of his sister's husband Gurpreet Singh @ Randhawa, of which only he had knowledge. He further revealed that a grenade and a plastic can, in which explosive had been given to him by Gurwinder Singh @ Baba @ Raja, was handed over by him to Jagpreet Singh @ Jagga resident of Hardo Rawal. Same were concealed under the earth near the motor of Jagpreet Singh. Explosive was recovered subsequent to disclosure statement of Sandeep Singh @ Kala. Sum of Rs.8,00,000/-was recovered from the residence of appellant Gurpreet Singh @ Randhawa on the said disclosure statement. Gurpreet Singh @ Randhawa - appellant who was nominated as an accused on the

basis of disclosure statement of Sandeep Singh @ Kala, statedly suffered a disclosure statement before Paramjit Singh, Incharge that money received by him from his brother-in-law Sandeep Singh @ Kala was kept in an almirah in a room at his residence. Said amount of Rs.25,00,000/- was statedly recovered on disclosure statement by Gurpreet Singh @ Randhawa.”

7. Appellant was nominated on the basis of a disclosure statement, and nothing was recovered from his possession.

8. Thus, the evidence collected so far consists of disclosure statements and the petitioner’s confession without discovering any facts. Such statements can be proven subject to the mandatory restrictions imposed in S. 25 & 26 of the Indian Evidence Act, 1872/ S. 23 of BSA, 2023.

9. In Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1, the majority view of a three-member bench holds as follows:

We answer the reference by stating:

(i) That the officers who are invested with powers under section 53 of the NDPS Act are “police officers” within the meaning of section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act.

(ii) That a statement recorded under section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS Act.

10. The status report filed by the police reveals that the investigator arraigned the Appellant as an accused based on the disclosure statement of the other accused. No other evidence is collected at this stage to connect the petitioner with the main accused. Thus, there is no justification to deny bail.

11. The appellant, through his counsel, undertakes not to indulge in any Anti-India activity and also that he would not cross the limits of his speech and expression beyond what is permitted under Article 19 of the Constitution of India and considering the entire facts and the pre-trial custody, which on the face of it, is excessive for the purpose of pre-trial custody and the undertaking given by the appellant through counsel, we are of the considered opinion that his further custody is not required.

12. Considering the entire facts and the pre-trial custody, which on the face of it, is excessive for the purpose of pre-trial custody and the undertaking given by the appellant through counsel, we are of the considered opinion that his further custody is not required.

13. Without commenting on the case's merits, in the facts and circumstances unique and peculiar to this case, and for the reasons mentioned above, the appellant makes a case for bail.

14. Given the above, provided the appellant is not required in any other case, the appellant shall be released on bail in the FIR captioned above, subject to furnishing bonds of Rs. 1 lac to the satisfaction of the concerned trial Court and due to unavailability before any nearest Chief Judicial Magistrate or Duty Magistrate/ Ilaqa Magistrate.

15. In *Gulfisha Fatima v. State (Govt. of NCT of Delhi)* 05 Jan, 2026, the Hon'ble Supreme Court holds,

[434]. The appellants granted bail shall be released subject to the following conditions, which are imposed not as matters of form, but as substantive safeguards in the interest of national security, public order, and the integrity of the trial process.

i. Each of the appellants shall execute a personal bond in the sum of ₹2,00,000/- (Rupees Two Lakhs only) with two local sureties of the like sum to the satisfaction of the Trial Court.

ii. The appellants shall remain within the National Capital Territory of Delhi and shall not leave its territorial limits without prior permission of the Trial Court. Any request for travel shall disclose reasons and such prayer/request shall be considered by the Trial Court strictly on its merits

iii. The appellants shall surrender their passports, if any, before the Trial Court. Where no passport exists, an affidavit to that effect shall be filed. We direct the respondent to intimate all the immigration authorities in the country not to permit their exit from the country in any manner whatsoever, without express permission from the Trial Court.

iv. The appellants shall furnish their current residential addresses, contact numbers, and e-mail addresses to the Investigating Officer as well as to the Trial Court. The appellants shall not change their place of residence or contact particulars without giving at least seven days' prior written intimation to the Investigating Officer and the Trial Court.

v. Each of the appellants, namely Gulfisha Fatima, Meeran Haider, Shifa-ur-Rehman, Mohd. Saleem Khan, and Shadab Ahmed, shall personally appear twice a week, that is on Monday and Thursday between 10:00 a.m. and 12:00 noon, before the Station House Officer, Police Station Crime Branch, Delhi Police, Office of the Commissioner of Police, Police Headquarters, Jai Singh Marg, New Delhi – 110001 and mark their attendance. The Station House Officer shall maintain a separate register of attendance in respect of each of these appellants and shall furnish a monthly compliance report to the Trial Court, which shall be placed on the main record of the case.

vi. The abovenamed appellants shall not directly or indirectly contact, influence, intimidate or attempt to contact any witness or any person connected with the proceedings, nor shall they associate with or participate in the activities of any group or organization linked to the subject matter of the present FIR/ final report.

vii. The appellants shall not make or publish or disseminate any information, statement, article or post whether in print, electronic or social media concerning the present case or its

participants till conclusion of the trial.

viii. The appellants shall not participate in any programme or address or attend any gathering, rally or meeting, whether physically or virtually till conclusion of the trial.

ix. The appellants shall not circulate any post either in electronic form or physical form or circulate any hand bills, posters, banners, etc in any form whatsoever.

x. The appellants shall fully cooperate with the trial and shall appear on every date of hearing unless exempted for reasons to be recorded by the Trial Court to its satisfaction and they shall

not exhibit any conduct that has the effect of delaying the proceedings.

xi. The appellants shall maintain peace and good behaviour throughout and in the event of any offence committed during the pendency of the trial, the prosecution would be at liberty to seek for revocation of the bail granted by filing such application before the Trial Court and in the event of such application being filed the Trial Court shall consider it on its own merits.

[435]. In case of breach of any of the afore-stated conditions imposed or in the event of appellants having misused the liberty granted, it shall be open to the Trial Court to cancel the bail which would be necessarily after affording opportunity of hearing to the appellants.

16. The Appellant shall abide by all the above conditions as were ordered by the Hon'ble Supreme Court of India in *Gulfisha Fatima supra*, before the police station concerned in the present case.

17. In addition to the above conditions, the Appellant shall also abide by the following additional conditions, wherever these do not overlap with the conditions mentioned in *Gulfisha Fatima supra*. It is clarified that the conditions mentioned in *Gulfisha Fatima supra* are to be preferred over the following conditions imposed by this Court.

18. The appellant shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The appellant shall not tamper with the evidence,

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influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

19. The appellant shall not seek any unnecessary adjournment, and if he does so, the State shall have the right to apply for cancellation of bail.

20. The appellant shall mention his current address, phone number, e-mail, if any, and present address, native address, and in case of change, he shall inform the SHO of the police station concerned through a registered letter by mentioning the case number. Additionally, he shall also inform the concerned Court before whom the bonds were furnished.

21. Given the background of allegations against the appellant, it becomes paramount to protect the members of society as well as the integrity of the country, and incapacitating the accused would be one of the primary options until the filing of the closure report, discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction. Given the nature of the allegations and the other circumstances peculiar to this case, the appellant shall surrender all weapons, firearms, and ammunition, if any, along with the arms license, to the concerned authority within fifteen days of release from prison and inform the Investigator of compliance. However, subject to the Indian Arms Act, 1959, the appellant shall be entitled to renew and take it back in case of acquittal in this case, provided that this is otherwise permissible under the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

22. The conditions mentioned above imposed by this court are to endeavor to reform and ensure that the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

23. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if

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the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences.”

24. This bail is conditional, with the foundational condition being that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than three years, the State shall file an application to revoke this bail before the trial Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

25. Any observation made hereinabove is tentative and is not an expression of opinion on the case's merits, and it shall have no bearing on the trial or on the case of the co-accused, and the trial Court shall not advert to these comments.

26. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

27. In Amit Rana v. State of Haryana, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

28. **Appeal allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

10.03.2026

Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	NO