

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:013015



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CRM-M-63712-2025 (O&M)
Date of decision:29.01.2026

Gurpreet Singh @ Gopi

... 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 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking concession of regular bail in case bearing FIR No.04, dated 06.01.2024, registered under Sections 21(C), 27-A, 25 and 29 of the NDPS Act, at Police Station Jandiala, Amritsar.

2. As per the allegations, on 06.01.2024, a raid was conducted at the house of non-applicant/co-accused, Gurpreet Singh @ Gopi, who was declared a proclaimed offender in another case bearing FIR No.37, dated 18.02.2019, registered at Police Station Tarsikka, Amritsar (Rural) and it was informed that he was living in the house of the present petitioner to avoid his arrest. The police party reached at the house of the petitioner and co-accused/non-applicant, Gurpreet Singh @ Gopi S/o Satpal Singh was

apprehended with a bag. On conducting search of the same, 2 kgs of heroin was found kept in the same, which was taken into custody by the police. Recovery of drug money to the tune of Rs.1,75,100/- was also got effected from him. The above named accused was formally arrested. During the course of investigation, he suffered a disclosure statement, on the basis of which the present petitioner and his brother, Ajay were nominated as additional accused, on the allegations that they along with the main accused were involved in the business of smuggling and sale of contraband. The petitioner was arrested on 06.01.2024. Subsequently, co-accused Gurpreet Singh @ Gopi S/o Makhan Singh and Sandeep Singh @ Bhatti were also arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR and was falsely implicated in this case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. He is in custody since 06.01.2024. Similarly situated co-accused, Ajay, who is brother of the petitioner has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. He has clean antecedents. His further incarceration would not serve any useful purpose. Rigors of Section 37 of the NDPS Act are not attracted qua him. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Status report and custody certificate have been filed. It is argued by learned State counsel that there are serious allegations against the petitioner. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, thus, stressed that he does not

deserve to be extended benefit of bail.

5. This Court has heard rival submissions made by both the parties.

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.

7. The case of the prosecution is that the name of the petitioner was disclosed by co-accused, from whom recovery of contraband has been effected. As per his disclosure statement, he has purchased the recovered contraband from the present petitioner and the petitioner is alleged to be involved in the business of smuggling/sale of 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 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. 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 06.01.2024. In such circumstances, the trial is likely to take long time to conclude as none out of 16 prosecution witnesses has been examined so far. 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/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.

8. 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.

9. 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.

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

29.01.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE