



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136-1

CRM-M-64951-2025
Decided on : 24.2.2026

Gulab Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Karanjeet Singh Brar, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gulab Singh	27	06.08.2023	21(c), 29 of NDPS Act, 1985 [S. 27 of NDPS Act, added later on]	State Special Operations Cell, Fazilka	District Intelligence Wing (SSOC), Fazilka

2. The FIR in the present case was registered on the basis of secret information to the effect that Jagdeep Singh @ Bhuchar and Jasbhinder Singh @ Bhinda were smuggling heroin from Pakistan. Accordingly, a raid was conducted and both Jagdeep Singh @ Bhuchar and Jasbhinder Singh @ Bhinda were arrested by the police, while they were carrying 36 Kgs of heroin with them.

3. Learned counsel appearing on behalf of petitioner submits that the petitioner was neither named in the FIR nor he was apprehended at the spot. Even, he had no concern with the two accused, who were arrested at the spot, while they were carrying 36 Kgs of heroin illegally. Petitioner was nominated as an accused in the present case on the basis of the disclosure



statement suffered by his co-accused and except that there is no other evidence against him. Petitioner was arrested on 23.08.2024 and is in custody since then. Even, there is no other case against him under the provisions of NDPS Act.

Further submits that two of the similarly situated co-accused, i.e., **Davinder Singh @ Pande** and **Sikander Singh**, have also been granted concession of bail by the Coordinate Bench of this Court, vide order dated 12.08.2025, passed in **CRM-M-4042-2025 & connected case**, titled as, **“Davinder Singh @ Pande v. State of Punjab”** (Annexure P-2). Besides, it is also submitted that out of the total cited 29 prosecution witnesses, only 05 witnesses have been examined so far.

Therefore, claiming parity, learned counsel prays for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 23.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly concedes the factual assertions made here-above by the petitioner's counsel.

6. Having considered the rival submissions and while perusing the record, this Court, *prima facie*, finds that no recovery has been effected from the petitioner and that his implication rests solely on the basis of the disclosure statement of a co-accused, which, in isolation, is not a substantive evidence, rather, is inadmissible in law. Thus, at this stage, there are reasonable grounds for assuming that might be petitioner is innocent, until the charges are proved by the prosecution by leading evidence before the trial Court.

Therefore, considering the totality of circumstances, and the nature of allegations leveled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner

Consequently, prayer made in the present petition is **allowed**.



Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands **disposed of**.
Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

February 24, 2026
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No