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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

240 CRM-M-67280-2025
Date of decision: 13th January, 2026

Amolak Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vipul Jindal, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0015	20.01.2024	Gate Hakima, District Police Commissionerate Amritsar	21(c), 23, 27A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’), 212, 216, 465, 467, 468, 471 and 120-B of IPC and 25 of Arms Act, 1959

2. As per the allegations, on 20.01.2024, accused Harmandeep Singh @ Harman was apprehended along with his car bearing registration

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No.PB46-AH-5494 and 2 kgs. of heroin, one electronic scale and drug money of Rs.1.25 lakhs were recovered from his conscious possession. He was formally arrested. On interrogation, he suffered disclosure statement admitting his involvement in the crime and took the names of the co-accused Manpreet Singh @ Manna who too was arrested on 22.01.2024. On his disclosure, the additional accused Lovejeet Singh and Manjit Singh were nominated who were arrested on 24.01.2024. Based on disclosure statement of the co-accused Lovejeet Singh and Manjit Singh, 01 kg. of heroin and drug money of Rs.4 lakhs were recovered on 25.01.2024 from their residential house. The accused Kans Kaur was also nominated as an additional accused and was arrested on 28.01.2024. On further disclosure statements of Lovejeet Singh and Manjit Singh, the present petitioner and his son were nominated as additional accused and were arrested on 04.03.2025. The petitioner also suffered a disclosure statement admitting that he along with his son was involved in drug peddling. One pistol, one spring field gun, several live cartridges and drug money of Rs.1 lakh were recovered from the present petitioner. The mobile phones of the petitioner and co-accused were also taken into custody and on checking, they were found to be containing several virtual/foreign/Whatsapp numbers. 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 the co-accused Manjit Singh which cannot be considered to be admissible in evidence. A false recovery has been planted upon him which is not of any

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contraband. There is nothing on record to suggest that the money allegedly recovered from him was drug money. The co-accused Mahabir Singh @ Goldy whose case was on similar footing, has since been extended benefit of bail. Other accused Jarnail Singh, Kans Kaur, Jarmanjeet Singh and Manpreet Singh have also been extended benefit of bail. On parity, he too deserves to be extended the same benefit. He has been acquitted in all the cases registered against him under the provisions of NDPS Act. Trial will take considerable time to conclude as none out of 35 prosecution witnesses has been examined so far. No useful purpose would be served by detaining him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by the respondent-State. Learned State counsel while relying upon the contents of the status report, has submitted that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have been involved in the business of sale/purchase of drugs. He was nominated on the basis of disclosure statement of the co-accused. No contraband has been recovered from him. It is a matter of evidence as to whether the recovery of cash amount of Rs. 1,00,000/- which

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has been allegedly effected from him is of drug money or not. Trial is likely to take time as none out of 35 prosecution witnesses has been examined so far. 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. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Lovejeet Singh. 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. No contraband was recovered 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

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in the way of granting bail to the petitioner. The petitioner is in custody since 04.03.2025. Challan has been presented but even charges have not been framed. 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 preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner 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

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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 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.

[MANISHA BATRA]
JUDGE

13th January, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |