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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-72450-2025

Date of decision: 20<sup>th</sup> February, 2026

Sandeep Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Tushar Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 04 dated 07.01.2025 registered under Sections 21(B), 21(C), 27-A and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') and Section 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Chheharta, District Amritsar.

2. As per the allegations, on 07.01.2025, accused Jagraj Singh @ Shiva was apprehended and 30 grams of heroin was recovered from his conscious possession. He was formally arrested. He suffered disclosure statement to the effect that the recovered contraband was being sold at his

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house by his mother Simranjit Kaur, brother Navraj Singh @ Lalli and neighbour-Dilpreet Singh. The above named persons were nominated as additional accused and were arrested on 08.01.2025. The accused Jagraj Singh @ Shiva also suffered another disclosure statement to the effect that he had previously purchased 02 kgs of heroin from one Manjit Singh and the same was delivered by the persons of Manjit Singh on asking of the petitioner who was lodged in jail in connection with some other case. The petitioner was also nominated as an additional accused. His presence was secured by way of production warrants and he was arrested in this case on 11.01.2025. Some other accused were also nominated and arrested subsequently. Investigation now stands completed.

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 Jugraj Singh, which cannot be considered to be admissible in evidence. At the time of occurrence and even till date, he has been lodged in custody. No recovery has been effected from him. He is not required for further incarceration. Trial will take considerable time to conclude. Co-accused Simranjit Kaur and Amritpal Singh @ Amrit whose case is on similar footing, have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, thus, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that the allegations against the petitioner are serious in nature. He is a habitual

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offender being involved in ten other cases of similar nature. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

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 the co-accused Jugraj Singh @ Shiva, from whom recovery of non-commercial quantity of heroin has been effected. As per his disclosure statement, he had sourced the contraband 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

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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 25.12.2023. Challan has been presented. Trial will take time as none out of 19 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 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.

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(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 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

20<sup>th</sup> February, 2026  
Parveen Sharma

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