

2026.PHHC.028325



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

137

CRM-M-72226-2025

Date of decision: 23rd February, 2026

Varinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Rakhi Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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. 122 dated 17.11.2024 registered under Section 21(C) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Sarai Amant Khan, District Tarn Taran.

2. The aforementioned FIR was registered on the allegations that on 17.11.2024, on receipt of information, the Officiating Company Commander, F Company, 71 BN BSF, BOP Nashreghada, Dhalal, along with other BSF officials, met the concerned police officials of Police Station Sarai Amanat Khan, District Tarn Taran, and produced a written seizure memo along with sealed parcels, polythene packing, one drone and one handing over-taking

2026.PHHC.028325



over certificate. The polythene packet was found to contain 570 grams of heroin. It was informed that the drone and heroin were recovered on the same day. The recovered contraband and drone were taken into possession. Investigation proceedings were initiated. During investigation, on the basis of secret information, it was revealed that the drone and heroin were brought by accused Ranjit Singh and Jobanjit Singh, who were allegedly in contact with Pakistani smugglers and were indulging in the supply and sale of contraband. They were nominated and arrested. One mobile phone of Samsung make was recovered from accused Jobanjit Singh. Accused Ranjit Singh was also arrested on the same day.

3. As per further allegations, on 03.12.2024, accused Ranjit Singh suffered a disclosure statement to the effect that on the asking of the petitioner, he had indulged in the business of smuggling of heroin and had started talking to Pakistani smugglers on different mobile numbers provided to him. He disclosed that on 17.11.2024, the petitioner had sent the location to Pakistani smugglers and had sent him along with his friend Jobanjit Singh to pick up heroin packets through a drone from the place where the contraband was recovered. They were to be paid an amount of Rs.50,000/- for the said purpose. They went to collect the heroin contraband but could not find it and, upon seeing a BSF vehicle passing by, they fled from the spot. On the basis of the said disclosure statement, the petitioner was nominated as an accused. Offence under Section 29 of the NDPS Act was added. The petitioner was arrested on 02.06.2025.

2026.PHHC.028325



4. It is argued by learned counsel for the petitioner that he was not named in the FIR and has been falsely implicated on the basis of the disclosure statement of a co-accused suffered several days after registration of the FIR. No recovery has been effected from the petitioner. The petitioner has no concern with the recovery of contraband effected from an open place. It is further argued that the rigors of Section 37 of the NDPS Act are not attracted qua the petitioner. He is in custody since long. His further incarceration is not required. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, thus urged that the petition deserves to be allowed.

5. *Per contra*, learned State counsel has argued that the allegations against the petitioner are serious in nature. He is a habitual offender as he is involved in other cases, three of which are of similar nature. There are chances of his absconding or committing similar offences, if extended the benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

7. 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

2026.PHHC.028325



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.

8. The petitioner has been nominated as an accused on the basis of the disclosure statement of the co-accused, on the allegations that it was on his instructions that co-accused Jobanjit Singh and Ranjit Singh had gone to collect the contraband received from Pakistani smugglers but could not take possession of the same. The contraband was recovered from open fields. The accused Jobanjit Singh and Ranjit Singh are alleged to have been in contact with Pakistani smugglers through some *WhatsApp* mobile numbers disclosed in the status report. However, neither any call detail records nor any other material has been collected to establish that the petitioner was in contact with the co-accused or any Pakistani smuggler or that he was involved in the supply/receipt of contraband. It is a matter of trial and only on thorough assessment of the evidence to be adduced during trial that any conclusion as to the complicity of the petitioner in commission of the subject offences can be drawn. 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

2026.PHHC.028325



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 02.06.2025. Out of 21 prosecution witnesses none has been examined so far. 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.

2026.PHHC.028325



- (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.

- 9. 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.
- 10. 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.
- 11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd February, 2026
Parveen Sharma
1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No