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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-72985-2025 (O&M)

Lovejit Singh @ Lovejeet Singh @ Love ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	25.02.2026
2	The date when the judgment is pronounced	26.02.2026
3	The date when the judgment is uploaded on the website	26.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 36 dated 04.04.2021, registered under Sections 21(C), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Patti, District Tarn Taran. His previous petition was dismissed as withdrawn on 25.10.2024.

2. Brief facts of the case relevant for the disposal of the present

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petition are that on 04.04.2021, on the basis of a secret information, co-accused Nishan Singh was apprehended by a police party and recovery of 3 kgs. of heroin and drug money of Rs.2540/- was effected from him. He suffered disclosure statement admitting his involvement in the subject crime and disclosed that he had been selling heroin for the last two years when he came into contact with one Vikramjit Singh @ Vikka, who was lodged in jail in connection with some case. He used to talk with him on phone and used to purchase and sell heroin. He further disclosed that on 03.04.2021, he had purchased heroin through Vikramjit Singh @ Vikka and had sold 01 kg. of heroin to an unknown person, who had further sold the same to Lovejit Singh. On 07.04.2021, second disclosure statement of co-accused Nishan Singh was recorded, wherein he disclosed that some days back, he had brought 4.5 kgs. of heroin from one Robin Singh on the asking of Bikramjit Singh @ Bikka @ Gora, who was confined in jail, and had sold 01 kg. of heroin to the present petitioner, whereas 500 grams of heroin was sold by him to brother of Bikramjit Singh, namely Satnam Singh. On the basis of the same, the petitioner including other persons named by co-accused Nishan Singh was nominated in this case. Some other persons were also nominated subsequently. The petitioner was arrested on 29.08.2022 by way of issuance of production warrants as he was already in jail, in connection with some other case. Investigation now stands completed and challan/supplementary challan has been filed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he was neither found at the spot nor was named in the FIR. He has been nominated in

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this case on the basis of the disclosure statement suffered by the co-accused, which cannot be considered to be admissible in evidence. No subsequent recovery has been effected from him. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. In fact, he was in jail during relevant time. The main accused Nishan Singh, from whom the alleged recovery was effected, has already been granted concession of bail by this Court, vide order dated 29.07.2025 passed in ***CRM-M-23501-2025***. On parity, the petitioner too deserves to be given the same benefit. The petitioner is in prolonged incarceration for a period of 03 years, 05 months and 24 days. The trial is substantially delayed as only two out of total ten prosecution witnesses have been examined so far. There are no chances of the trial being completed in near future. Pendency of other cases against him cannot be made a ground for denying him concession of bail in the given circumstances. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

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,

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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 above named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, the petitioner had bought 01 kg. of heroin from him. 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. The petitioner was arrested on 29.08.2022 by way of issuance of production warrants as he was already in custody. He has been in custody since a long time. Every day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing

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that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. Investigation in this case has been completed and challan/supplementary challan has been filed. Conclusion of trial would take considerable time as most of the prosecution witnesses are still left to be examined. The main accused Nishan Singh has already been granted concession of regular bail by this Court, as mentioned above. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

26.02.2026*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*