

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:029314



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CRM-M-73415-2025 (O&M)

Date of decision:24.02.2026

Shinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Nirmal Kaur, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.44, dated 03.05.2024, registered under Sections 22 and 29 of the NDPS Act, at Police Station Mehatpur, District Jalandhar.

2. As per the allegations, on 03.05.2024, accused Gurjeet Singh @ Jassi was apprehended on the basis of suspicion by a police party and on conducting search, 120 tablets of Etizolam were recovered from his conscious possession, which were taken into possession by the police. The above named accused was formally arrested. On interrogation, he suffered a disclosure statement on the basis of which the present petitioner and co-accused Jagvir Singh @ Jagga were nominated, on the allegations that they

were suppliers of the contraband. The petitioner and co-accused Jagvir Singh @ Jagga, who were in custody in some other cases were joined into investigation of this case on the basis of production warrants. They were formally arrested and on interrogation, they admitted their involvement in the commission of offence of sale/supply of contraband and also disclosed that they purchased narcotics from one Sonu. Investigation now stands concluded and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

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 co-accused, which cannot be considered to be admissible in evidence. No recovery has been effected from him. Infact, he was in custody in connection with some other case since 03.08.2023 and therefore, the question of his supplying/selling the contraband to the co-accused or to any other person did not arise. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Co-accused, Jagvir Singh @ Jagga has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that he deserved to extended benefit of bail.

4. Per contra, learned State counsel has vehemently argued that keeping in view the gravity of the allegations as levelled against the petitioner and his criminal antecedents, he does not deserve to be extended the benefit of bail.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have supplied commercial quantity of contraband to the co-accused. He was nominated on the basis of disclosure statement of co-accused. No recovery has been effected 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 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 effected from the petitioner. The trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. 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 03.08.2024. 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 be preventive. The deprivation of liberty has been considered as a punishment. As such, Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as 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 number to concerned IO/SHO and shall keep his mobile phone switch on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

8. 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.

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

24.02.2026

harjeet

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No

(MANISHA BATRA)
JUDGE