225 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-48622-2026
Date of Decision: 03.09.2026

ARSHDEEP SINGH @ ARSH **...Petitioner**

Vs.

STATE OF PUNJAB **...Respondent**

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Malkiat Singh Hundal, Advocate for the petitioner.

Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. *(Oral)*

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C.), seeking grant of regular bail to the petitioner in case FIR No.137 dated 02.06.2025, registered under Sections 21-B, 21-C, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Gate Hakima, District Amritsar.

2. As per the prosecution version, on 02.06.2025, the police party was conducting patrol duty and searching for suspicious persons. When the police reached near the water tank situated close to Radha Krishan Colony, a person carrying a plastic polythene was allegedly apprehended, from whose possession 220 grams of heroin was recovered. On the basis of the said recovery, the present FIR was registered under the provisions of the NDPS Act. During investigation, co-accused Karandeep Singh @ Karan was nominated in the case and, on the basis of his disclosure statement, the petitioner was subsequently nominated on 06.06.2025. It is alleged that Karandeep Singh disclosed that he used to receive and supply consignments of

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heroin to co-accused Gurmeet Singh @ Geetu at the instance of the petitioner and drug smugglers based in Pakistan. Pursuant to the disclosure statement of Karandeep Singh, a further recovery of 802 grams of heroin was allegedly effected from the place disclosed by him. It is further alleged that while lodged in Goindwal Sahib Jail, Karandeep Singh came into contact with the petitioner, who allegedly facilitated his contact with Pakistan-based drug smugglers through virtual numbers and thereby enabled him to deal in and supply heroin consignments at different locations. The prosecution further relies upon the disclosure statement allegedly suffered by the petitioner after he was brought on production warrant, wherein he is stated to have disclosed his connection with Karandeep Singh and the Pakistan-based drug smugglers. The petitioner has been in custody since 06.06.2025. The challan has been presented and the trial is pending.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated and that the alleged recovery of 220 grams of heroin was effected from co-accused Karandeep Singh and not from the petitioner. It is submitted that the further recovery of 802 grams of heroin was also effected pursuant to the disclosure statement of the said co-accused and nothing incriminating has been recovered from the petitioner. He further submits that the petitioner was nominated subsequently on the basis of disclosure statements of the co-accused and his own disclosure statement made in police custody is inadmissible in evidence. It is further submitted that the petitioner has been in custody since 06.06.2025, the challan has already been presented and no prosecution witness has been examined so far. It is also submitted that co-accused Gurmeet Singh @ Geetu, similarly placed, has already been

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granted regular bail. On these grounds, learned counsel prays for grant of regular bail to the petitioner.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 02.09.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 01 year 02 months and 22 days.

6. Learned State counsel opposes the prayer for bail and submits that the allegations against the petitioner are serious in nature, as he is alleged to be involved in the supply and trafficking of heroin through Pakistan-based drug smugglers and was nominated during investigation on the basis of material collected by the investigating agency and his alleged connection with co-accused Karandeep Singh, from whose disclosure a further recovery of 802 grams of heroin was effected.

7. Be that as it may, considering the custody period already undergone by the petitioner, i.e. 01 year, 02 months and 22 days, and the fact that the investigation stands completed, challan has been presented before the learned Trial Court, charges have already been framed, and none of the prosecution witnesses have been examined so far, it is evident that the trial is likely to take some time to reach its logical conclusion. The alleged recovery of 220 grams of heroin is admittedly not of commercial quantity. Further, the petitioner is sought to be connected with the alleged recovery primarily on the basis of the disclosure statements of the co-accused, and no recovery has been effected from his personal possession. The petitioner is in custody since

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06.06.2025 and co-accused Gurmeet Singh @ Geetu, stated to be similarly placed, has already been granted regular bail. This Court is of the considered opinion that further incarceration of the petitioner would not serve any useful purpose.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

> *1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.*
> *2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.*

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3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

03.09.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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