

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-46841-2025  
Reserved on: 01.10.2025  
Pronounced on: 09.10.2025

Bachittar Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, D.A.G., Punjab.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
120	01.06.2025	Lopoke, Amritsar	25 of Arms Act, 61(2) of BNS and 27-A of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 18 of the bail petition, the petitioner declares that he has no criminal antecedents.

3. The facts and allegations are taken from paragraphs 2 & 3 of the status report filed by the State, which reads as follows:

*“2. That the brief and relevant facts of the case are that the aforesaid FIR No.120 dated 01.06.2025 was registered at the Police station Lopoke, Amritsar (Rural), on the basis of a 'Ruqa' sent by Assistant Sub-Inspector Tarsem Singh, mentioning therein that during the patrolling and search of bad elements in Khiala Area, Amritsar, he received a secret information that Fateh Singh alias Gandhi, Ranjit Singh alias Kaka and Jagroop Singh alias Lalli were in touch with Pakistan based smugglers, who used to send consignment of weapons in Attari area through drone or other modes and the aforesaid accused used to received the consignment of weapons and supply it further on the Instructions of Pakistan based smugglers. It has been further mentioned that Fateh Singh alias Gandhi, Ranjit Singh alias Kaka and Jagroop Singh alias Lalli have received a consignment of weapons and the aforesaid accused were waiting for some party at the link road on Platina motorcycle No.PB02-EE-9410 and if raid is conducted immediately, the aforesaid accused can be apprehended with consignment of weapons. The detailed facts mentioned in the aforesaid Ruqa have been reproduced in the true translation of the FIR attached with the petition as Annexure P-1, which may kindly be read as part of the present paragraph as same are not repeated here for the sake of brevity.*

3. *That on finding the information credible, the investigating officer reached at the link road, where three youngsters on seeing the police party tried to flee away from the spot but they were immediately apprehended and the driver disclosed his name as Fateh Singh alias Gandhi, accused sitting in the middle disclosed his name as Jagroop Singh alias Lalli and the pillion rider disclosed his name as Ranjit Singh alias Kaka and one plastic sack was recovered from lap of the co-accused Jagroop Singh alias Lalli and on checking the aforesaid plastic sack, 3 Glock pistols GEN 43 9MM along with magazine, 1 Glock Pistol GEN 26 9MM, 1 Glock pistol 9MM, 1 pistol 30 bore, 1 pistol PX5 30 bore, 1 pistol Jagana 9MM and 10 bullets of 30 bore were recovered and all the aforesaid accused disclosed that they have received the aforesaid weapons from Pakistan through drone.”*

4. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and the BNSS, 2023.

5. The petitioner's counsel seeks bail on the grounds of prolonged pretrial custody.

6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

7. The petitioner’s counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

8. The State’s counsel opposes bail and refers to the status report.

**REASONING:**

9. It shall be relevant to refer to following portions of the status report, which reads as follows:

*“Role of the petitioner*

5. *That the present petitioner Bachittar Singh was arrested on 05.06.2025 during the course of the investigation and drug money of Rs.12,99,000/- was recovered at the instance of the petitioner from his house pursuant to his disclosure statement dated 06.06.2025, which was taken into police possession vide recovery memo dated 06.06.2025 and section 27-A NDPS Act was added vide G.D No. 02 dated 06.06.2025.*

6. *That during the investigation, the petitioner disclosed that he had flushed heroin when he came to know about the arrest of other co-accused and all of them had to distribute drug money among them.*

*Evidence against the petitioner*

10. *That it is humbly submitted that there is a recovery of drug money of Rs.12,99,000/- from petitioner pursuant to his disclosure statement.”*

10. Except the disclosure statement, the police had no evidence to term such money as drug money, and forgetting the statutory mandate of S. 23 (1) and (2) of BSA, 2023, invoked the stringent penal provision of S. 27-A just to trigger the legislative restrictions

placed on bail through S. 37 of NDPS Act. In such a background, S. 37 of the NDPS Act shall neither attract in law nor through its inclusion in the FIR.

11. S. 27A of the NDPS Act reads as follows:

27A. Punishment for financing illicit traffic and harbouring offenders.—Whoever indulges in financing, directly or indirectly, any, of the activities specified in sub-clauses (i) to (v) of 3[clause (viii**b**) of section 2] or harbours any person engaged in any of the aforementioned activities, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

12. At the stage of invocation of S. 27A, there was no prima facie evidence of financing, directly or indirectly. Thus, the rigors of S. 37 of the NDPS Act shall also not attract.

13. When the restrictions of Section 37 of the NDPS Act do not attract, the factors for bail become similar to the offence regular statutes.

14. As per the custody certificate dated 30.09.2025, the petitioner's custody in this FIR is of 03 months and 21 days.

15. Without commenting on the merit of case, given the nature of allegation, pre trial incarceration period, recovery of weapon already effected, as such, petitioner is entitled to bail.

16. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.<sup>1</sup> In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.<sup>2</sup> Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and

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<sup>1</sup> Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

<sup>2</sup> Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

circumstances of the case.<sup>3</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.<sup>4</sup> When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.<sup>5</sup>

CONDITIONS:

17. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 25,000.

18. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 25,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

19. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.
3.	Mobile number (If available)
4.	E-Mail id (If available)

20. This order is subject to the petitioner’s complying with the following terms.

21. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

<sup>3</sup> Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

<sup>4</sup> Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

<sup>5</sup> Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

22. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, detection squad and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

23. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No. 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of the Hon'ble Supreme Court held that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

24. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, the Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

25. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

26. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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27. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

28. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

29. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

30. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

**09.10.2025**

*Jyoti-II*

Whether speaking/reasoned: Yes

Whether reportable: No.