



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

**CRM-M-33394-2025
Date of decision: 09.10.2025**

GOBIND SINGH @ GOBINDA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.120 dated 10.06.2022 registered under Sections 21 of NDPS Act (Sections 25 and 29 of NDPS Act added later on) at Police Station Baghapurana, District Moga.

2. Upon notice, learned State counsel has appeared. Both the parties have been heard and material collected by the police during investigation has been perused.

3. Brief facts of the prosecution case are that on 10.06.2022, ASI Ashok Kumar along with other police officials were patrolling in the area of Mehina to police station Baghapurana, when he received secret information that Jaswant Singh @ Kala son of Balbir Singh, Sukhchain Singh @ Sonu son of Bhagwan Singh and Satnam Singh @ Sonu son of Resham Singh indulge in sale of heroin and today, they are carrying huge



quantity of heroin in their car from Bhagtan Bhai side to Baghapurana and they can be apprehended along with huge quantity of the contraband. Thereafter, barricade was laid and the car was apprehended in which aforesaid three persons were travelling and 2 kg of heroin was recovered from Jaswant Singh @ Kala. On interrogation, they nominated Jatinder Singh @ Gobind, Sohan Singh @ Joru and the present petitioner Gobind Singh @ Gobinda as the persons who had allegedly supplied the contraband. Co-accused Sohan Singh @ Joru was arrested on 14.06.2022 and Jatinder Singh @ Gobind was arrested on 15.10.2022. Thereafter, petitioner was arrested on 24.01.2025 and after completion of investigation, final report has been presented against the accused for trial.

4. Learned counsel for the petitioner argued that the contraband was recovered from co-accused Jaswant Singh @ Kala, Sukhchain Singh @ Sonu and Satnam Singh @ Sonu and present petitioner was nominated as an accused as the supplier along with co-accused Jatinder Singh @ Gobind, Sohan Singh @ Joru. No recovery has been effected from the petitioner. All the co-accused have already been released on bail by Co-ordinate Benches of this Court vide orders Annexure P-2 to P-6. The final report has already been presented. Petitioner is in custody since 24.01.2025. The trial is likely to take sufficiently long time to conclude and no useful purpose will, thus, be served by detaining the petitioner in custody any more and he may be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner has committed a heinous offence and he does not deserve the concession of bail.



6. A Co-ordinate Bench of this Court in **Anshul Sardana versus State of Punjab**, passed in CRM-M-65094-2024 (2025:PHHC:004198), after relying upon the law laid down by the Hon'ble Supreme Court in AIR 2020 SC 5592 **Tofan Singh versus State of Tamil Nadu**, 2024 INSC 290; **Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau**, 2022 (1) RCR (Criminal) 762; **State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.** and judgment dated 17.05.2023 in Special Leave to Appeal (Crl.) No.(s) 1266/2023 titled as **Vijay Singh vs. The State of Haryana**, has held as under:

"6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law. However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the



petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected."

7. Admittedly, the name of petitioner has cropped up in the disclosure statement of main accused namely Jaswant Singh @ Kala. No contraband has been recovered from his possession. As to how much evidentiary value will be attached to the disclosure statement of co-accused shall be the subject matter of trial. Petitioner is in custody since 24.01.2025. The trial is, thus, likely to take a long time to conclude and further incarceration of the petitioner is, thus, not required.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

9. Pending misc. application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

09.10.2025
Priyanka Thakur

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No