



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-8073-2025

Date of decision: 25th September, 2025

Arun Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tarunveer Vashist, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 54 dated 12.08.2024 registered under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') (Section 29 of NDPS added later on) at Police Station Cheema District Sangrur.

2. As per the allegations, on 12.08.2024, accused Dev Raj was apprehended by a police party on the basis of suspicion and on opening a bag which was carried by him, 1000 tablets of tramadol were recovered. Their batch numbers had been erased. The same were taken into custody by the police. He was formally arrested. He was interrogated and suffered disclosure statement on the basis of which, the present petitioner and co-accused Jarnail Singh were nominated as additional accused. The petitioner



was arrested and is in custody since 11.12.2024. The co-accused Jarnail Singh was also arrested. The investigation now stands completed.

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 the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. No contraband has been recovered from him. He is on bail in another case registered against him. The trial will take considerable time to conclude. The co-accused Jarnail Singh whose case is on similar footing has since been extended benefit of bail. On parity, he too deserves to be released on bail. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab, has argued that as per the disclosure made by the accused Devraj, the petitioner used to sell intoxicant tablets to him and had given 2000 intoxicant tablets to him. He used to make *Whatsapp* calls to the petitioner as well as to co-accused Jarnail Singh. An amount of Rs. 10,000/- was transferred through Google pay in the bank account of the petitioner. He played specific role of supplying intoxicant tablets to the co-accused. He has criminal antecedents. There are chances of his committing similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

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, 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 NDPS Act.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Dev Raj, from whom recovery of commercial quantity of contraband has been effected. As per his disclosure statement, he had sourced the contraband 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 ever effected from the petitioner. The investigating agency has collected call detail records of the phone of the petitioner and the co-accused to show that there was exchange of calls between them for the purpose of sending samples of tablets and supplying of



the same. Without the transcript of the conversation exchanged between the co-accused and the petitioner, it is a question of debate as to whether, the mere call details can be considered to be corroborative material against him. The petitioner is in custody since 11.12.2024. Challan has been presented. The trial will take time. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Co-accused Jarnail Singh has been extended benefit of bail. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/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.

8. In the event of there being any FIR/complaint lodged against



the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. 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.

[MANISHA BATRA]
JUDGE

25th September, 2025

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |