



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-35954-2025

Date of decision: 10th November, 2025

Nawab Ahmad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition 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. 713 dated 24.07.2024 registered under Sections 22-C and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') at Police Station City Yamuna Nagar, District Yamunanagar.

2. As per the allegations, on 24.07.2024, on receipt of secret information to the effect that the accused, Tasleem Salmani @ Monu, was involved in the sale of narcotic capsules and that on the said day, he was standing near Traffic Park, Yamuna Nagar, with intent to sell narcotic capsules to some customers, a raiding party was formed, which reached at the informed place and apprehended the accused, Tasleem Salmani @ Monu. On conducting his search, 700 narcotic capsules and 480 capsules of



dicylomine HCL were recovered from his conscious possession, which were taken into police custody. The total weight of these capsules was found to be 644.8 grams. The accused Tasleem Salmani @ Monu was formally arrested. On interrogation, he suffered a disclosure statement, on the basis of which, the present petitioner was nominated as an additional accused and was arrested on 16.09.2024. He too suffered disclosure statement to the effect that he used to purchase the narcotic capsules from the co-accused Aman, who was arrested on 20.03.2025. Investigation now stands completed, and the petitioner along with the 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 the disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery has been effected from him. The trial is likely to take considerable time to conclude. He has been in custody since long. His continued detention would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, coupled with the fact that there is a record of telephonic conversation between the petitioner and the co-accused Aman. Therefore, it is urged that he does not deserve to be extended the benefit of regular bail.

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



6. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of commercial quantity of narcotic capsules and dicylomine HCL has been effected. 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 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. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since 16.09.2024. 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 preventive and the deprivation of liberty has been considered as a punishment. 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 switched on all times.

7. 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.

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.

[MANISHA BATRA]
JUDGE

10th November, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*