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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214+222

CRM-M-38283-2025
Date of decision: 11.12.2025

1. CRM-M-38283-2025

SHARANJIT SINGH @ SUNNY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

2. CRM-M-51048-2025

VIJAYPAL SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Lovish Rattan, Advocate
for the petitioner (Through VC) in CRM-M-38283-2025.

Mr. Yajur Sharma, Advocate
for the petitioner in CRM-M-51048-2025.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. This order shall dispose of above noted two petitions, as the same have emanated out of the same occurrence.

2. Present petitions under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 have been filed for grant of regular bail to the petitioners in case FIR No.61 dated 18.04.2025, under Section 21 (27-A/29/61/85 added later on) of the NDPS Act, 1985, Section 25 of Arms Act, 1959 and Sections 10, 11 and 12 Aircraft Act, 1934, registered at Police Station Lopoke, District Amritsar.



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3. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

4. Brief facts of the prosecution case are that on 18.04.2025, ASI Major Singh alongwith other police officials apprehended one person namely Karan Kumar on the basis of suspicion and upon search, 332 grams of heroin, one pistol and one drone were recovered from his possession. On interrogation, accused Karan Kumar suffered disclosure statement to the effect that contraband was supplied to him by Vijaypal Singh (petitioner) and Sharanjit Singh @ Sunny (petitioner). Subsequently, they were arrested on 19.04.2025 and 20.04.2025 respectively. After completion of investigation, final report was presented against the accused for trial.

4. Learned counsel for the petitioners argued that they have been falsely implicated in the present case. Their names have cropped up in the disclosure statement of co-accused Karan Kumar, which is not admissible in evidence. No contraband has been recovered from the possession of the petitioners. Challan has already been presented after completion of investigation. Trial will take a long time to conclude and no useful purpose shall be served by detaining the petitioners in custody and he may be released on bail.

5. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioners 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



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upon the law laid down by the Hon'ble Supreme Court in AIR 2020 Supreme Court 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 Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023 ***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. In the present case, 332 grams of heroin, one pistol and one drone have been recovered from the co-accused Karan Kumar. Petitioners are in custody since 19.04.2025 and 20.04.2025 respectively and their names have cropped up in the disclosure statement of co-accused Karan Kumar. As per his disclosure statement, the petitioners are the suppliers of the contraband and thereafter, the petitioners were arrested. Nothing has been recovered from their possession and at this stage, there is no material to connect them with the alleged offence except disclosure statement suffered by co-accused. As to how much evidentiary value will be attached to the said disclosure statement will be seen during the trial. Trial is likely to take sufficiently long time to conclude and as such, no useful purpose will be served by detaining the petitioners in custody.

8. In view of the above, without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. A photocopy of this order be placed on the file of the connected case.

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

11.12.2025
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(YASHVIR SINGH RATHOR)
JUDGE

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