



CRM-M-43525-2025

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

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CRM-M-43525-2025
Decided on :11.09.2025

Manpreet Singh @ Fauji

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Mr. Bareen Pratap Singh, Asst. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.86 dated 20.05.2025, under Sections 21(b)/27/61/85 of NDPS Act (Section 29 of NDPS Act was added later on), registered at Police Station Nehianwala, District Bathinda.

2. As per the case of the prosecution, the recovery in the instant case pertains to 7.55 grams of heroin from the co-accused, Lakhwinder Singh.

Learned counsel for the petitioner contends that the petitioner, being already known to the members of the police department, has been implicated in the present case solely on the basis of the disclosure statement made by the co-accused/main accused, Lakhwinder Singh, from whom the recovery was effected. Counsel further submits

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that, apart from the disclosure statement, there is no other evidence available with the prosecution, such as telephonic communication or financial transactions linking the petitioner to the offence.

Counsel argues that it would be onerous for the prosecution to prove the charges against the petitioner solely on the basis of the disclosure statement. As per the settled proposition of law laid down by the Hon'ble Apex Court, the disclosure statement of a co-accused is not a substantive piece of evidence unless a recovery is effected pursuant thereto or the contents of the statement are corroborated by other evidence.

Counsel further submits that petitioner is in custody for the last three months and ten days and, therefore, prays for the grant of regular bail.

3. Learned State Counsel, while producing the custody certificate, confirms that the total period of incarceration is three months and ten days.

However, learned State Counsel is unable to controvert the factual position that the petitioner has been implicated in the instant case solely on the basis of the disclosure statement and has failed to highlight any other supporting evidence. Despite this, learned State Counsel prays for the dismissal of the present petition.

4. Having heard learned counsel for the parties and perused the record, this Court noticed that petitioner is in custody for a period of three months and ten days without any substantive evidence against him,

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except the disclosure statement of the co-accused. Moreover, learned State Counsel has not been able to produce or highlight any independent evidence linking the petitioner to the alleged recovery. It is well settled that a disclosure statement of co-accused, without corroborative evidence or a recovery made pursuant thereto, cannot be treated as substantive evidence. Considering these facts and the settled legal position, this Court is of the view that petitioner is entitled to the concession of bail.

Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

5. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

6. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.09.2025*Rashmi*

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