



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45038-2025

Reserved on: 28th October, 2025

Pronounced on: 31st October, 2025

Sukhchain Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.S. Dhaliwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 84 dated 05.07.2025 registered under Sections 21(b) and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Gidderbaha.

2. The aforementioned FIR was registered on the allegations that on 05.07.2025, accused Balkaran Singh and Gurmeet Singh were apprehended and recovery of 200 grams of heroin was effected from a polythene kept near the gear box of the car of which they were the occupants. The above named accused were formally arrested. On interrogation, the accused Balkaran Singh suffered disclosure statement, on the basis of which the petitioner was nominated as an accused.



Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Sri Muktsar Sahib, which was dismissed vide order dated 22.07.2025.

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 has clean antecedents. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. There are call detail records showing that the petitioner was in touch with the co-accused Balkaran from whom the recovery of contraband was effected. It is, therefore, 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 petitioner is alleged to have supplied contraband to the co-accused. Recovery of non-commercial quantity of contraband was effected from the said co-accused. He has been nominated on the basis of disclosure statement of the co-accused Balkaran Singh. As observed in ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, disclosure statements under Section 67 of NDPS Act, are inadmissible in evidence under unless



corroborated by independent material. At this stage, there is nothing on record to corroborate the alleged disclosure statement. The petitioner has clean antecedents. Though it is alleged that he had received calls from the co-accused but neither any CDR nor transcription is available on record. Given the nature of the allegations, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. In view of the above discussed facts, it is held that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the Investigating/Arresting Officer within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the Investigating/Arresting Officer on furnishing bonds to its satisfaction and the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.



8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

31st October, 2025
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No