



CRM-M-46769-2025

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

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CRM-M-46769-2025

Date of decision: 12th November, 2025

Pardeep Kumar @ Sethi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The petitioner is seeking indulgence of this Court for grant of regular bail in case arising out of FIR No. 12 dated 15.02.2025 registered under Section 21 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') (Section 29 of NDPS Act added later on) at Police Station Ghall Khurd, District Ferozepur, on the allegations that on 15.02.2025, a police team headed by SI Sukhbir Singh was patrolling in the area of bus stand near Firoz Shahi near Ferozepur-Moga road when a secret information was received to the effect that the accused Gurwinder Singh @ Guri was involved in smuggling of ice (crystal methamphetamine) drug and at that point of time he was standing near the village Ghall Khurd to sell the above contraband to a customer and could be apprehended with a huge quantity of the same. Believing the information to be reliable, a raiding party



was immediately formed which reached at the informed place and apprehended accused Gurwinder Singh from whom 134 grams of ice (crystal methamphetamine) was recovered. He was formally arrested. On interrogation, he suffered disclosure statement to the effect that the petitioner was supplier of the drug. He was as such nominated as an additional accused. He was arrested on 17.02.2025.

2. As per the further allegations, the call details record of the petitioner and accused Gurwinder Singh were collected and it was found that several calls were exchanged between them during the period of 30.01.2025 to till 17.02.2025. 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. No recovery has been effected from him. He was not present at the spot of recovery. No offence is made out against him. He has clean antecedents. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. There is no transcript of the call detail record allegedly made between him and the co-accused. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report as well as custody certificate has been filed by the respondent-State. Learned State counsel has argued that the allegations against the petitioner are serious in nature. Call detail records between the petitioner and the co-accused has been exchanged during the relevant period. They had been talking to each other and this fact shows the complicity of the petitioner in the crime. There are chances of his absconding or 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 case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused Gurwinder Singh @ Guri from whom recovery of commercial quantity of 134 grams of ice (crystal methamphetamine) had 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. Some calls are alleged to have been exchanged between accused Gurwinder Singh and the petitioner but no transcript thereof is available. It is well established that mere call details, without the transcript of the conversations exchanged between the accused persons, would not be considered to be corroborative material in absence of substantive material found against them. In this regard reliance can be placed upon *Ajmal T. A. @ Kuru vs. State of Kerala*, whereby in similar circumstances, the petitioner-accused had been granted concession of regular bail by observing that there was remote likelihood of the petitioner's involvement as the alleged involvement was entirely based upon the co-accused's statement and alleged call details record. 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 17.02.2025. 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.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th November, 2025

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

2. Whether reportable

: Yes / No