

2025 PHHC 178011



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112+209

CRM-44876-2025 in/and
CRM-M-48324-2025 (O&M)
Date of decision: 23rd December, 2025

Sahadev @ Sahdav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Sekhon, Senior Advocate with
Mr. Gurnaz Singh Dhillon, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

CRM-44876-2025

This application has been filed by the applicant for placing on record the Annexures A-1 and A-2.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexures A-1 and A-2 are ordered to be taken on record.

CRM-M-48324-2025

The present petition has been 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. 31 dated

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22.04.2025 registered under Sections 15-C and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Bajakhana, District Faridkot.

2. As per the allegations, on 22.04.2025, the accused Gurmeet Singh, Salwinder Singh and Sukhpal Singh were apprehended with a canter bearing registration No. PB-03BF-8592 and 15 bags containing 16 quintals and 10 kgs of poppy husk were recovered from their conscious possession. They were formally arrested. The recovered contraband was taken into possession. They were interrogated. The co-accused, Gurmeet Singh, suffered a disclosure statement to the effect that the canter used for transporting the contraband was purchased by them through Janak Raj @ Ramu, who used to pay an amount of Rs. 1,00,000/- per trip for transporting narcotics. He was nominated as additional accused. Offence under Section 29 of NDPS Act was added. He was in custody in connection with some other case. His presence was secured through production warrants. He has joined into investigation on 17.06.2025 and was formally arrested. He suffered disclosure statement admitting his involvement in the crime and as per the further disclosure made by him, the present petitioner was nominated as an additional accused on the allegations that they were jointly dealing in the business of contraband. The petitioner was arrested on 23.06.2025. Investigation now stands completed and challan has been presented in the Court.

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-

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accused which cannot be considered to be admissible in evidence. No recovery has been effected at his instance. Rigors of Section 37 of NDPS Act are not attracted against him. He is in custody since 23.06.2025. He has clean antecedents. Trial is likely to take considerable time to conclude. His further incarceration would not serve any useful purpose. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that there are serious allegations against the petitioner. There are chances of his absconding if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A

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contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The petitioner is alleged to have been nominated with the co-accused in the purchase of contraband in a canter vehicle from different States for sale of the same further. 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 NDPS 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. The petitioner was arrested on 23.06.2025. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed and supplementary challan has been filed. Conclusion of trial would take considerable time. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other

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subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

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

[MANISHA BATRA]
JUDGE

23rd December, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |