

S. No.238

2025:PHHC:175116



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

CRM-M-53294 of 2025

Date of Decision:15.12.2025

Sonu Kumar alias Sonu Suran Wala

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner.
Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.37 dated 26.02.2025 registered under Sections 21B/27-A/21-C/29/61/85 of NDPS Act, 1985 and Section 111 BNS registered at Police Station Chheharta, District Amritsar.

2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

3. Brief facts of the prosecution case are that on 26.02.2025, one Rajinder Singh alias Raju was apprehended by the police party and 100 grams of heroin besides a sum of Rs.2320/- stated to be drug money was recovered from his possession and 270 grams of heroin was recovered from possession of co-accused Amritpal Singh. On interrogation, he nominated Sonu Kumar @ Sonu Suran Wala (petitioner) as the supplier. Subsequently, Sonu Kumar (petitioner) was also arrested on 03.03.2025 but no contraband was recovered from his pos-



session. The contraband and money were taken into possession. Petitioner applied for bail before Special Judge, but the same was rejected vide order dated 21.07.2025.

4. Learned counsel for the petitioner argued that he has been falsely implicated in the present case. His name has cropped up in the disclosure statement of co-accused Amritpal Singh, which is not admissible in evidence. No contraband has been recovered from the possession of the petitioner. 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 petitioner 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, petitioner 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 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 in



herently 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, 100 grams of heroin along with drug money of Rs.2320/- and 270 grams of heroin has been recovered from co-accused Rajinder alias Raju and Amritpal Singh respectively. Name of petitioner has cropped up in the disclosure statement of co-accused Amritpal Singh. As per his disclosure statement, petitioner is the supplier of the contraband and thereafter, the petitioner was arrested. Nothing has been recovered from his possession and at this stage, there is no material to connect him 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. Petitioner is in custody since 03.03.2025. Trial is likely to take sufficiently long time to conclude and as such, no useful purpose will be served by detaining the petitioner in custody.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

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

(Yashvir Singh Rathor)
Judge

December 15, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No