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

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CRM-M-64387-2025 (O&M)
Date of decision : 22.12.2025

Jarnail @ Jaila

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. D. S. Virk, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 0377 dated 02.06.2023, registered under Sections 15, 25 and 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Assandh, District Karnal. The previous petition was dismissed by this Court on 07.08.2025.

2. The petitioner has been booked in the aforementioned FIR and is facing trial therein on the allegations that he along with co-accused Nanak Singh and Harwinder Singh, who were apprehended on 02.06.2023 and from whom, recovery of 67.3 kgs. of Doda post was effected, was indulged in the sale of the said contraband. The petitioner was arrested on 19.11.2024 and is in custody since then.

3. It is argued by learned counsel for the petitioner that he has been

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falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. He is in custody since long. Co-accused Harwinder Singh and Nanak Singh have already been granted concession of regular bail by this Court vide orders dated 13.11.2025 and 21.11.2025, passed in **CRM-M-45599-2025** and **CRM-M-64852-2025**, respectively. On the grounds of parity, the petitioner too deserves to be given the same benefit. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. Even otherwise, he is on bail in those cases. His continued detention would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

4. Custody certificate of the petitioner has been filed. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

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

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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 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 case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, he had sourced the contraband from the petitioner. 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 19.11.2024. 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 challan has been filed. Conclusion of trial would take considerable time. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. Co-accused Nanak Singh and Harwinder Singh, against whom there were graver allegations, have already been granted concession of bail by this Court, as mentioned above. 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

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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 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.

22.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No