



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

207

CRM-M-65744-2025
Decided on: 28.11.2025

DEV RAJ @ TITU

... PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

PRESENT: Mr. Aditya Sanghi, Advocate and
Mr. Pranav Arora, Advocate for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG Haryana.

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.107 dated 21.03.2025 (Annexure P-1), under Sections 21-C/29/61/85 of NDPS Act and Sections 25(1)(A)/54/59 of Arms Act, 1959, registered at Police Civil Lines, Sirsa, District Sirsa, Haryana.

2. I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

3. Brief facts of the prosecution case are that two persons, namely Abhishek @ Bacchi and Pardeep, were apprehended on 21.03.2025, and 04.256 KG of heroin was recovered from their possession. During interrogation, Abhishek @ Bacchi and Pardeep named the present petitioner as an accused who had given ₹1,00,000 for arranging the contraband. The



petitioner was arrested on 03.04.2025. After completion of the investigation, the final report has been presented.

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 statements of co-accused Abhishek @ Bacchi and Pardeep, which are not admissible in evidence. No contraband has been recovered from the possession of the petitioner. Challan has already been presented after completion of investigation. Learned counsel further contended that since no recovery has been effected from the petitioner, the rigors of Section 37 of NDPS Act are not attracted and petitioner, thus, be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner has financed the purchase of the contraband and in view of the gravity of offence, he 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 *Tofan Singh versus State of Tamil Nadu*, AIR 2020 Supreme Court 5592; *Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau*, 2024 INSC 290; *State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.*, 2022 (1) RCR (Criminal) 762; and *Vijay Singh vs. The State of Haryana*, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:



"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 inherently 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. Petitioner is in custody since 03.04.2025 and his name has cropped up in the disclosure statement of co-accused Abhishek @ Bacchi and Pardeep. As per their disclosure statements, the petitioner had financed the purchase 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 statements suffered by co-accused. As to how much evidentiary value will be attached to the said disclosure statements will be seen during the trial. Trial is likely to take sufficiently long time to conclude and no useful purpose will be served to detain the petitioner in custody.

8. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

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

(YASHVIR SINGH RATHOR)
JUDGE

November 28, 2025

Priyanka Thakur

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No