



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

245

**CRM-M-66809-2025 (O&M)
Date of decision: 04.12.2025**

KARAN

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

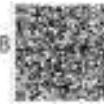
CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Nandan Jindal, Advocate and
Mr. Tushar Sabherwal, 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.0131 dated 05.09.2025, under Sections 21, 27-A and 29 of NDPS Act, 1985 (Section 22-A/61/85 of NDPS Act, 1985 added later on), registered at Police Station Chattiwind, 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. As per the prosecution case, two persons namely Chamkaur Singh and Rachpal Singh @ Pal were arrested on 05.09.2025 and 10 grams of heroin along with Rs.300/- drug money were recovered from their possession. On interrogation, Chamkaur Singh disclosed that the contraband was procured by them from the present petitioner-Karan and he was arrested on 06.09.2025. After completion of the investigation, the final report has been presented.
4. Learned counsel for the petitioner argued that he has been falsely



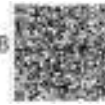
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implicated in the present case. His name has cropped up in the disclosure statement of co-accused Chamkaur Singh, which is not admissible in evidence. No contraband has been recovered from the possession of the petitioner. Challan has already been presented after completion of investigation. 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 is a supplier 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 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 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



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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."

6. In the present case, 10 grams of Heroin has been recovered from the co-accused. Petitioner is in custody since 06.09.2025 and his name has cropped up in the disclosure statements of co-accused Chamkaur Singh. As per his disclosure statement, the 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 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.

7. 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 subject to his furnishing bail bond/surety bond to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

04.12.2025
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No