

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026.PHHC.040495



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CRM-M-11939-2026 (O&M)
Date of decision:16.03.2026

Sukhdev @ Raman @ Chhota

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dinesh Maurya, Advocate,
Mr. Pardeep, Advocate and
Mr. Parmod Chaudhary, Advocate
For the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Manisha Batra, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner seeking grant of regular bail in case bearing FIR No.231 dated 03.08.2024 registered under Sections 20(b)(ii)(C) and 29 of the NDPS Act, 1985 and Section 238(B) of BNS at Police Station Sadar Narwana, District Jind.
2. As per the allegations, on 03.08.2024, on the basis of a secret information, accused Sukhdev Singh son of Pala Ram was apprehended and 1.018 kilogram of *charas* was recovered from a polythene bag which was in his conscious possession. He was formally arrested and interrogated. He suffered disclosure statement to the effect that he had brought the contraband from co-

accused Ajay by transferring a sum of Rs.20,000/- from his cell phone through google pay. The said Ajay was nominated as an accused and was arrested on 29.04.2025. On interrogation, he suffered disclosure statement admitting his involvement in the crime. He too suffered disclosure statement on the basis of which the present petitioner, namely Sukhdev @ Raman son of Raju, was nominated as accused in this case. Since he was in custody in some other case, his presence was secured through production warrants on 06.06.2025. Upon interrogation, he admitted about selling *charas* to co-accused Ajay. Some other persons were also nominated as accused in this case. Investigation now stands completed.

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 co-accused Ajay, which cannot be considered to be admissible in evidence. No recovery was effected from him. He is in custody since 06.06.2025. Trial will take considerable time to conclude as no prosecution witness has been examined so far out of total 29 witnesses. His involvement in another case of similar nature cannot be made a ground for denying him the benefit of bail in the given circumstances. Co-accused Ajay has already been granted concession of regular bail by this Court, vide order dated 31.10.2025 passed in **CRM-M-44880-2025**. On parity, the petitioner too deserves to be given the same benefit. There are no chances of his intimidating the witnesses as all the witnesses are police officials. Rigors of Section 37 of the NDPS Act are not attracted against him. His further detention would not serve any useful purpose. It is, therefore, urged that he deserves to be extended the benefit of bail.

4. Custody certificate has been filed by the respondent-State.

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 does not deserve to be extended the benefit of bail. On analysis of the call details record of the petitioner and co-accused, it was revealed that they were in constant touch over phone during relevant time, which shows his complicity in commission of the subject offences. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. It is 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.

7. The case of the prosecution is that the name of the petitioner was disclosed by co-accused Ajay, who himself was nominated in this case on the basis of the disclosure statement suffered by accused Sukhdev Singh from whom recovery of contraband has been effected. As per disclosure statement suffered by co-accused Ajay, 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. The veracity of the disclosure statement against the petitioner will be tested during the course of trial. No recovery has been effected from the petitioner. Although, it is the version of the prosecution that the petitioner was in constant touch with the co-accused over phone but no transcript of any such conversation has been placed on record before this Court in order to prove the complicity of the petitioner. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner has been in custody since 06.06.2025. Investigation has since been completed and challan has been presented. Conclusion of trial would obviously take considerable time as no witness has been examined so far out of total 29 witnesses. Moreso, co-accused Ajay, on whose disclosure the petitioner was nominated in this case, has already been granted concession of regular bail by this Court. In view of the above facts and circumstances, this Court is of the considered opinion that a case for release of the petitioner on regular bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any

circumstance without permission of the learned trial Court.

(iii) he shall appear before the learned trial Court as and when directed.

(iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

16.03.2026
Waseem Ansari

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No