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

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CRM-M-19832-2026 (O&M)
Date of decision: 20.04.2026

Parveen @ Parveen Kumar**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sumit Kumar, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.231 dated 03.08.2024 registered under Sections 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short "NDPS") at Police Station Sadar Narwana, District Jind.

2. As per the allegations, on 02.08.2024 on the basis of a secret information, accused Sukhdev was apprehended and recovery of 1.018 KG of *charas* was effected from a polythene bag which was in his conscious possession. He was formally arrested. On interrogation, he suffered disclosure statement to the effect that the recovered contraband had been purchased by him from the accused Ajay. The said accused was arrested on 29.04.2024. He too suffered disclosure statement on the basis of which Sukhdev @ Raman @ Chhota was nominated as additional accused. The accused-Sukhdev @ Raman @ Chhota in his disclosure statement disclosed that he had purchased the contraband from co-accused Pawan @ Samundar.

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He was nominated as such and was arrested on 03.08.2025, whereas accused Sukhdev @ Raman @ Chhota was arrested on 06.06.2025. The petitioner was also nominated in this case as an accused on the basis of the disclosure statement of co-accused on the allegations of being supplier of the contraband. He was arrested on 08.09.2025. 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 a series of disclosure statements of the co-accused, which cannot be considered to be admissible in evidence. He is in custody since 08.09.2025. No recovery has been effected from him. He is not required for the purpose of further investigation. The rigors of Section 37 of the NDPS Act are not attracted qua him. The trial will take considerable time to conclude as no prosecution witness has been examined so far. Co-accused Pawan @ Samundar, Sukhdev @ Raman @ Chhota and Sukhdev have already been extended benefit of bail by this Court. On parity, he too deserves to be extended the same benefit. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. It is, therefore, argued that he deserves to be released on bail.

4. Custody certificate has been filed by the respondent-State. Learned State has argued that keeping in view the gravity of the allegations as levelled against the petitioner as well as his criminal antecedents, he does not deserve to be extended benefit of bail.

5. This Court has heard the rival submissions made by learned

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counsel for both the parties at considerable length.

6. It is well settled proposition of law 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 factor 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 condition stipulated in Section 37 of the Act.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused. As per his disclosure statement, the petitioner had supplied the recovered contraband. 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 08.09.2025. 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

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been completed. Conclusion of trial would take considerable time as no prosecution witness has been examined and so far. Above mentioned co-accused have already been granted concession of bail by this Court. The principle of parity also weighs in favour of the petitioner. Pendency of other cases against the petitioner cannot be made a ground to deny him bail in this case in the given circumstances. 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. Taking into consideration the above discussed facts, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.
9. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.
10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

20.04.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No