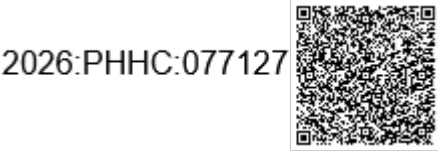


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



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CRM-M-20855-2026 (O&M)

Kulwant Singh @ Sukha

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	14.05.2026
2.	The date when the judgment is pronounced	18.05.2026
3.	The date when the judgment is uploaded on the website	18.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhaysher Singh, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner seeking grant of regular bail in case arising out of FIR No.121 dated 06.06.2025, registered under Sections 21(b) and 29 of the NDPS Act, at Police Station Sadar Bathinda, District Bathinda.
2. As per the allegations, on 05.06.2025, the accused Arshdeep Singh @ Arshi was apprehended on the basis of suspicion by a police party

and on conducting his search, 20 grams of heroin kept in a transparent polythene and drug money to the tune of Rs.3,25,000/- was recovered from his conscious possession, which was taken into possession by the police. He was formally arrested. On interrogation, he suffered a disclosure statement to the effect that he had purchased the contraband from Jajwinder Singh @ Jajji and Sukhraj Singh @ Raja and further they used to carry on illegal work of sale/purchase of narcotics by forming a joint syndicate. The above named accused were nominated as accused. Accused Sukhraj Singh @ Raja was arrested on 15.06.2025. He too suffered a disclosure statement to the effect that he used to purchase the contraband from Daljit Singh and used to have conversation with him on phone and then handed over such contraband to accused Arshdeep Singh @ Arshi for sale. Daljit Singh was arraigned as an accused and was arrested on 27.06.2025. He too suffered a disclosure statement admitting his involvement in the crime. On the basis of the same, the present petitioner was nominated as an accused. Accused Daljit Singh was also nominated as an additional accused. The petitioner was in custody in some other case. His presence was secured by way of production warrants and he was arrested in this case on 25.07.2025. 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 disclosure statement of co-accused, which cannot be considered to be legally admissible in evidence. No recovery has been effected at his instance. As such, the rigors of Section 37 of the NDPS Act are not attracted against him. Even otherwise, the alleged recovery was of non-commercial quantity of

contraband. He is in custody for a period of over 09 months. He is not required for further investigation. The trial will take considerable time to conclude. On account of his involvement in other cases, he cannot be denied the benefit of bail. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner and his involvement in 05 other cases of similar nature, he does not deserve to be extended the benefit of bail.

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

6. The petitioner has been nominated in this case on the basis of the disclosure statement of the co-accused. No recovery has been effected at his instance. The petitioner is in custody since 25.07.2025. 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 has been effected from the petitioner. The petitioner was arrested on 25.07.2025. 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 qua him has been completed. The trial will take considerable time to conclude. His involvement in other cases cannot be considered to be

a ground for denying benefit of bail to him. 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 but without meaning to make any comments on the merits of the case lest the same prejudice the trial in any manner, 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.

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

18.05.2026

harjeet

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE