



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-23421-2026
Decided on : 01.05.2026

Ashok Kumar @ Gabral

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amit Choudhary, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant third petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name Petitioner(s)	of FIR No.	Date	Section(s)	Police Station	District
Ashok Kumar @ Gabral	334	23.11.2025	S. 21 C, 61 & 85 of NDPS Act, 2023, and S. 111(6), 238, 241 of BNSS, 2023 (S. 201, 204 of IPC)	Bawal	Rewaqri

2. As per the case of the prosecution, on the basis of secret information regarding involvement of main accused Zorawar Singh in dealing of smack, a raid was conducted and thereupon, from his possession, 304 grams of smack was recovered. After arrest of said accused Zorawar Singh, his disclosure statement was recorded and as per the same, said smack was delivered to him by another accused Sunny, and it was to be



delivered further to other co-accused, namely, Naresh, Ajay @ Potor, Rahul and Ashok Kumar @ Gabral (**petitioner herein**). Accused Sunny, who allegedly supplied the said smack to Zorawar Singh, was also arrested and at present, he is inside the jail.

3. Learned counsel for the petitioner argues that as per the disclosure statement, which is inadmissible in evidence, part of the recovered narcotic substance was to be delivered to four other accused, namely, Naresh, Ajay @ Potor, Rahul and Ashok, who were named subsequently. Until the recovered contraband is actually delivered to the petitioner herein or further to any other person, it cannot be presumed that he is liable to be treated as accused under the provisions of the NDPS Act.

4. It is further submitted that accused – Naresh had allegedly paid a sum of Rs.10,000/- in expectation of receiving a share in the narcotic substance, which was yet to be delivered. However, there is no substantive material brought on record to show as to how the said amount was paid and whether it was paid for the said purpose. Similar is the position *qua* the other accused, namely, Ajay @ Potor.

Petitioner – Ashok Kumar @ Gabral, is inside the jail since 16.12.2025. Petitioner though is involved in five other cases; however, in all such cases, he is on bail at present.

5. In view of the aforesaid submissions, it is contended that no *prima facie* case is made out against the petitioners under the provisions of the NDPS Act, and his implication is solely based upon disclosure statement, which is not admissible in evidence.

Additionally, learned counsel submits that two of the similar



situated accused, i.e., (i) Naresh Kumar, (ii) Ajay @ Potor, have already been extended the concession of regular bail by this Court vide order dated **08.04.2026**, passed in **CRM-M-6003-2026 & connected case**, titled “***Naresh Kumar v. State of Haryana***” (Annexure P-3).

Accordingly, on the ground of parity and keeping in view the aforementioned circumstances, it is prayed that the petitioner also deserves to be extended the same benefit of regular bail.

6. On the other hand, learned State counsel opposes the prayer for grant of regular bail to the petitioner and submits that the recovery effected in the present case is of commercial quantity and rigours of Section 37 of the NDPS Act are attracted. It is argued that the contraband in question was part of a larger chain of supply and the petitioner has been specifically named in the disclosure statement of the co-accused, which clearly points towards their involvement in the offence.

He further submits that the investigation has revealed that the petitioner was to receive the contraband and, in furtherance thereof, an amount of Rs.2.00 lakhs was transferred by him, thereby indicating his role in the alleged conspiracy relating to trafficking of narcotic substances. Accordingly, in view of the seriousness of the offence and the statutory bar under the NDPS Act, it is contended that the petitioner does not deserve the concession of regular bail.

However, other factual assertions as made here-above have not been disputed by him

7. Considering the submissions made by learned counsel for the parties and the material available on record, it is noticed that the petitioner



has been nominated in the present case on the basis of disclosure statement of co-accused, and no recovery of any narcotic contraband has been effected from his possession.

It is further a matter of record that the recovery of commercial quantity, i.e., 304 grams of smack, has been effected from the main accused Zorawar Singh, whereas role attributed to the present petitioner is that of a prospective recipient, based upon the disclosure statement, which is a matter to be adjudicated upon by the learned trial Court during the course of evidence.

8. It is also not disputed that similarly situated co-accused, namely, Naresh Kumar and Ajay @ Potor, who were also alleged to be part of the same chain of distribution, have already been granted concession of regular bail by this Court. Thus, case of the present petitioner deserves consideration on the ground of parity as well.

So far as the objection raised by learned State counsel regarding applicability of Section 37 of the NDPS Act is concerned, it is to be noticed that though recovery effected in the present case falls under the commercial category, however, no recovery has been effected from the present petitioner and his involvement is sought to be established primarily on the basis of disclosure statement of co-accused.

Besides, learned State counsel has relied upon only one circumstance, i.e., transfer of Rs.2.00 lakhs from the bank account of the petitioner to the co-accused. However, purpose and nature of the said transaction are matters which require proof during trial and the burden in that regard lies heavily upon the prosecution.



It is further a matter of record that the petitioner is inside jail since 16.12.2025 and though he is stated to be involved in other cases, but he is already on bail in those cases.

9. Keeping in view the nature of allegations; absence of recovery from the petitioner; principle of parity; and without expressing any opinion on the merits of the case, this Court is of the considered view that the rigours of Section 37 of the NDPS Act stand satisfied to a limited extent for the purpose of grant of bail. Accordingly, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.



13. **Petition stands disposed of accordingly.**

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

(SANJAY VASHISTH)
JUDGE

May 01, 2026
J.Ram

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