

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:075478



247

CRM-M-25970-2026 (O&M)
Date of decision:13.05.2026

Sidharth @ Shidarth Jhinjha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.96 dated 12.09.2024 registered under Section 21-C of the NDPS Act (offences under Sections 27 and 29 of the NDPS Act was added lateron), at Police Station Bahav Wala (Bahawala), District Fazilka.

2. The aforementioned FIR was registered on the allegations that on 12.09.2024, accused Vikramjit Singh was apprehended and recovery of 513 grams of heroin was effected from his conscious possession. He was formally arrested. On interrogation, he suffered disclosure statement to the effect that he had purchased the recovered contraband from one Buta Singh and further that the same was to be sold to the present petitioner, Narinder

Singh and Gurwinder Singh. The petitioner along with the above named two persons was nominated as additional accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which was allowed by this Court vide order dated 25.03.2026.

3. On a perusal of record, it has been revealed that the petitioner had, however, been arrested on 09.03.2026 prior to disposal of the anticipatory bail petition by this Court. Investigation qua the petitioner now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him. He is in custody since 09.03.2026. He is not required for further investigation. Trial will take considerable time to conclude. He had even been given the benefit of anticipatory bail though he could not avail the same. However, further incarceration of the petitioner would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record custody certificate of the petitioner and has argued that keeping in view the antecedents of the petitioner, who is involved in 03 more cases under the provisions of the NDPS Act, he does not deserve to be extended the benefit of bail.

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

counsel for the parties at considerable length.

8. The petitioner has been nominated in this case on the basis of the disclosure statement of the co-accused. No recovery has been effected from him. The petitioner is in custody since 09.03.2026. 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 09.03.2026. 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.

9. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by

filing an application seeking cancellation of bail.

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

13.05.2026

(MANISHA BATRA)
JUDGE

harjeet

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