

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:020012



227

CRM-M-53060-2025 (O&M)

Date of decision:10.02.2026

Honey Kumar @ Hani Kumar @ Honey

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ketan Chopra, Advocate for the petitioner (through V.C.).

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed by the petitioner for grant of regular bail in case arising out of FIR No.169, dated 05.12.2024, registered under Sections 15 and 29 of the NDPS Act, at Police Station Haibowal, District Ludhiana.

2. As per the allegations, on 05.12.2024, accused Jatinder Singh @ Pawan, Harpreet Singh @ Jagga and Mandeep Singh @ Kalu were apprehended by a police party on the basis of suspicion, when they threw a plastic sack kept in their bike, on seeing the police officials. On checking the plastic sack, 50 kgs and 500 grams of poppy husk was recovered from their conscious possession, which was taken into possession by the police. They were formally arrested. On interrogation, they suffered disclosure statements

on the basis of which the present petitioner and one Aman were nominated as additional accused. The petitioner was arrested on 06.12.2024. 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 admissible in evidence. He is in custody for a period of over 01 year and 02 months. There are no chances of conclusion of the trial in near future since only 01 out of 09 prosecution witnesses, has been examined so far. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. His further incarceration would not serve any useful purpose. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Status report and custody certificate have been filed by learned State counsel. She has argued that the allegations against the petitioner are serious in nature. He is a habitual offender. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, stressed that he does not deserve to be extended benefit of bail.

5. This Court has heard rival submissions made by both the parties.

6. The petitioner is alleged to have supplied commercial quantity of contraband to the co-accused. He was nominated on the basis of disclosure statement of co-accused. It is only on thorough assessment of the evidence to be produced during trial that any definite conclusion as to the involvement of the petitioner in the commission of the subject offences can be drawn. 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. 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 is in custody since long. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor be preventive. The deprivation of liberty has been considered as a punishment. As such, Court is of the considered opinion that a case for release of the petitioner on 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 switch on all times.

7. 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.

8. 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.

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

10.02.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE