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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRM-M-66305-2025 (O&M)

Date of decision : 10.02.2026

Manju Devi

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sukhcharan Singh Gill, Advocate for
Mr. Tajinder Pal Singh Makkar, Advocate
for the petitioner.

Mr. Sunny Namdev, AAG Haryana.

SURYA PARTAP SINGH, J. (oral)

This is first petition for bail filed by the petitioner with regard to a case arising out of FIR No.199 dated 15.08.2025 under Section 18-C and 29 (added later on) of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act' only, Police Station Dadri Sadar, District Charkhi Dadri.

2. The abovementioned FIR came into being at the instance of 'ASI Vishal', who had reported that on the basis of a tip-off given by a reliable source he had intercepted a person, namely 'Abhishek' and from his possession 1 kg & 36 grams of opium was recovered. According to prosecution once the abovementioned recovery took place, the co-accused 'Abhishek' was formally arrested and during the course of investigation he suffered a disclosure statement disclosing therein that the petitioner had got



transferred Rs.1,10,000/- on her mobile phone from the mobile of Abhishek through PhonePe application being sale production of abovementioned ocontraband.

3. **Notice of motion.**

4. Mr. Sunny Namdev, AAG Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State and the learned State Counsel has opted to orally oppose the present petition.

5. Heard.

6. The record has been perused carefully.

7. To deal with given fact-situation, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Vijay Singh Vs. The State of Haryana' 2023 SCC OnlineSC 1235 are relevant. In the abovementioned case, the petitioner was not present on the spot at the time of recovery and he was implicated solely on the basis of statement of co-accused. The Hon'ble Supreme Court of India in the abovementioned case afforded the benefit of bail to the accused.

8. Similarly, in the case of 'Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(8) SCC 271, it has been held by the Hon'ble Supreme Court of India that the disclosure statement of co-accused is inadmissible against another accused, as the



disclosure statement is not a substantive piece of evidence against other accused.

9. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of 'Preet Kamal Vs. State of Punjab', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

10. In 'Tofan Singh Vs. State of Tamil Nadu', 2021(4) SCC 1 also, it has been observed by the Hon'ble Supreme Court of India that confessional statement of accused recorded under Section 67 of NDPS Act cannot be admitted in evidence, as a confession.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- (i) that the petitioner is already in custody for a period of more than five months;
- (ii) that the quantity of contraband recovered from the possession of co-accused is a non-commercial quantity;
- (iii) that co-accused Abhishek from whose possession contraband was recovered has already been afforded the benefit of bail by the Court of learned Additional Sessions Judge;
- (iv) that nothing has been recovered from the possession of petitioner as his name has cropped up during the course of investigation on the basis of disclosure statement of co-accused only. There is a question mark with regard to admissibility of abovementioned statement in evidence as the same was recorded when the co-accused was already in



police custody. Since pursuant to above-mentioned disclosure statement no recovery or discovery of fact had taken place, the same is prima facie hit by Section-23 of Bharatiya Sakshya Adhiniyam;

(v) that trial is not likely to be concluded in near future;

(vi) that nothing is left to be recovered from the possession of petitioner;

(vii) that detention of petitioner in judicial lock up is not likely to serve any purpose;

(viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

(ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

12. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the



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satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

10.02.2026
Vinod

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No