



230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-69079-2025
Date of Decision: 13.01.2026

HASSAN

..... Petitioner

VERSUS

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sunil Nehra, Sr. Advocate (through V.C.) with
Mr. Rahil Mahajan, Advocate for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.269 dated 25.07.2025, under Sections 29 and 21-C of NDPS Act and Section 111(2)(ii) of BNS, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, Haryana.
2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.
3. In the present case, petitioner was nominated as an accused on the basis of disclosure statement of main accused Shamsher @ Kallu to the effect that petitioner used to purchase the contraband from him. Petitioner is in custody since 06.08.2025. After completion of investigation, challan has been presented for trial.
4. Learned counsel for the petitioner argued that he has been falsely implicated in the present case. His name has cropped up in the



disclosure statement of co-accused Shamsheer @ Kallu, which is not admissible in evidence. No contraband has been recovered from the possession of the petitioner. Trial will take a long time to conclude and no useful purpose shall be served by detaining the petitioner in custody and he may be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner is a habitual offender and he is involved in 05 more cases. In view of his past conduct, he is not entitled to be released on bail.

6. A Co-ordinate Bench of this Court in **Anshul Sardana versus State of Punjab**, passed in CRM-M-65094-2024 (2025:PHHC:004198), after relying upon the law laid down by the Hon'ble Supreme Court in AIR 2020 Supreme Court 5592 **Tofan Singh versus State of Tamil Nadu**,; 2024 INSC 290 **Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau**,; 2022 (1) RCR (Criminal) 762 **State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.**'; and Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023 **Vijay Singh vs. The State of Haryana**, has held as under:

"6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently



implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law.

However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected."

7. In the present case, 507.3 grams of Heroin was recovered from co-accused Shamsher @ Kallu. Name of petitioner has cropped up in the disclosure statement of co-accused Shamsher @ Kallu. As per his disclosure statement, petitioner used to purchase the contraband from him and thereafter, the petitioner was arrested. Nothing has been recovered from his possession and at this stage, there is no material to connect him with the alleged offence except disclosure statement suffered by co-accused Shamsher @ Kallu. As to how much evidentiary value will be attached to the said disclosure statement will be seen during the trial. Petitioner is in custody since 06.08.2025. Trial is likely to take sufficiently long time to conclude and as such, no useful purpose will be



served by detaining the petitioner in custody. Moreover, involvement of petitioner in other cases cannot be made a ground to decline the bail in the present case, in view of the ratio of law laid down by Hon’ble Supreme Court in 2012(2) SCC 382, **Prabhakar Tiwari Vs. State of UP and Anr.** and 2020(1) RCR (Criminal) 831, **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others.**

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

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

(YASHVIR SINGH RATHOR)
JUDGE

13.01.2026
Priyanka Thakur

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