

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:027591



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CRM-M-72565-2025 (O&M)

Date of decision:20.02.2026

Shivam Sood

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Bains, Senior Advocate with
Mr. Mohan Singh Chauhan, Advocate and
Mr. Utsav Singh Bains, Advocate for the petitioner.

Mr. Varun Gupta, DAG, Haryana.

...

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.76, dated 21.03.2025, registered under Section 21-C, 27-A and 29 of the NDPS Act and Section 308(2) of the BNS, at Police Station Parao, District Ambala.

2. As per the allegations, on 21.03.2025, accused Heera Chawla was apprehended and arrested on the basis of secret information and 01 kg of heroin was recovered from his conscious possession. He suffered disclosure statements to the effect that on asking of accused Lakhan, he had purchased the recovered contraband from a Nigerian person and accused Lakhan had paid a sum of Rs.10 lakhs for this purpose. Accused Lakhan was

arrested on 02.08.2025. He too suffered a disclosure statement on the basis of which the present petitioner was nominated as an additional accused. The petitioner was also arrested on 02.08.2025. He too suffered a disclosure statement admitting his involvement in the subject crime. On his disclosure statement, accused Mohit Walia was nominated and on the basis of disclosure statement of Lakhan, accused Suraj Masih was nominated. 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. Infact, his brother Satyam Sood had filed a petition against the police officials of Ambala police seeking protection of his life and liberty against them and for conducting inquiry into the FIRs falsely registered against him by the Ambala police. The police officials had started harassing his father and himself to exert pressure to withdraw the writ petition filed by his brother and had proclaimed that the petitioner and his father would be implicated as accused if the abovesaid writ petition would not be withdrawn. On refusal of the petitioner to get the writ petition filed by his brother withdrawn, he has been implicated in this case. The disclosure statements allegedly suffered by the co-accused cannot be considered to be admissible in evidence. The prosecution version is highly improbable and unnatural. Co-accused Lakhan was arrested on 02.08.2025 between 02:45 P.M. to 3:00 P.M. from his house but his arrest was shown as 01:30 P.M. in order to falsely implicate him and this fact was reflected from the CCTV footage of the camera installed in the vicinity of co-accused Lakhan. The petitioner had previously been implicated in another FIR bearing No.109, dated 26.07.2023

and was arrested when he was going to U.K. for his further studies. The trial will take considerable time to conclude as no prosecution witness has been examined so far. No useful purpose would be served by detaining him in custody anymore. There is no transaction between him and co-accused to show that he was involved in the business of sale/purchase of contraband with the co-accused. With these broad submission, it is argued that the petitioner deserves to be extended the benefit of bail.

4. Status report has been filed. Learned State counsel has argued that there are serious allegations against the petitioner. Call detail records had been procured which shows that on 20.03.2025 as many as 05 calls had been received between the present petitioner and co-accused Lakhan, thereby showing their complicity with each other. Petitioner is a habitual offender being involved in two more cases of similar nature. There are chances of his committing similar offences, if extended benefit of bail. It is therefore, argued that he does not deserve to be extended benefit of bail.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner has been nominated in this case on the basis of disclosure statement of co-accused, Lakhan, alleging that he was engaged in the business of supply/sale of contraband along with him and co-accused. No recovery has been effected at the instance of the petitioner. 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. The trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. 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, this 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 as well as 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.

20.02.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE