CNR No: PHHC011473062026
2026:PHHC:129047



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

**220**

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**CRM-M No.50573 of 2026**
**Date of decision : 11.9.2026**
**Date of uploading : 11.9.2026**

**Vakeel Singh ……Petitioner**

**Versus**

**State of Punjab …….Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ruhani Chadha, Advocate and
Mr. Kashav Chadha, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.155 dated 27.10.2024, under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 23 and 25 of NDPS Act added later on), registered at Police Station City Jalalabad, District Fazilka.

2. The FIR in question pertains to recovery of 01 Kg. 36 grams of heroin.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 10.7.2026. Learned counsel for the petitioner has further submitted that the mandatory provisions of the NDPS Act have not

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been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has further iterated that sole basis to array the petitioner as an accused is the disclosure statement of co-accused, namely Ajay Kumar alias Ajju, Sonu Singh and Karandeep alias Karan. Learned counsel has also argued that the co-accused of the petitioner, namely, Ajay Kumar alias Ajju and Sonu Singh have already been granted the concession of regular bail by this Court vide orders dated 12.2.2026 passed in CRM-M No.66254 of 2025 and 5150 of 2026 respectively. Learned counsel has further urged that co-accused Satnam Singh has also been granted the concession of anticipatory bail by this Court vide order dated 28.11.2025 passed in CRM-M No.54261 of 2025. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 2 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 10.9.2025 in the Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 10.7.2026. The matter is still under investigation. The petitioner has been implicated as an accused in the FIR in question solely on the basis of disclosure statement of co-accused, from whom 01 Kg. 36 grams of heroin was allegedly recovered.

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It is not in dispute that co-accused, namely, Ajay Kumar alias Ajju and Sonu Singh and Satnam Singh have already been granted concession of regular/anticipatory bail by this Court. As per the prosecution version, there is no other material available to connect the petitioner with the contraband except for the said disclosure statement. It is pertinent to note that such disclosure statements, in the absence of corroborative evidence hold limited evidentiary value and cannot be sole basis for implicating the petitioner. The reliance on this unsubstantiated statement raises serious doubts about the fairness and objectivity of the investigation. It is not in dispute that the petitioner was not present at the spot. The veracity and weightage required to be attached to the disclosure statement made by the co-accused will be fully tested at the time of trial. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. At this juncture, it would be apposite to refer to a judgment passed by this Court in ***Anshul Sardana versus State of Punjab,*** passed in ***CRM-M-65094-2024*** *(2025: PHHC:004198)*, wherein, after relying upon the *ratio decidendi* of the judgments of the Hon'ble Supreme Court in Tofan Singh versus State of Tamil Nadu, AIR 2020 Supreme Court 5592; Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus

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State of Gujrat, Narcotics Control Bureau, 2024 INSC 290; State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.', 2022 (1) RCR (Criminal) 762; and Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:

> "*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. As per custody certificate dated 10.9.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 2 months. Further, as per the said custody certificate the petitioner is stated to be involved in 4 other FIRs. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the

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petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in CRM-M No.38822-2022 titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191.***

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

(i) The petitioner shall not mis-use the liberty granted.
(ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
(iii) The petitioner shall not absent himself on any date before the trial.
(iv) The petitioner shall not commit any offence while on bail.
(v) The petitioner shall deposit his passport, if any, with the trial Court.
(vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

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(vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

**(SUMEET GOEL)**
**JUDGE**

**11.9.2026**
Ashwani

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

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