IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CNR No: PHHC011368392026

2026:PHHC:136371

CRM-M-46319-2026 (O&M)
Date of decision: 22.09.2026
Date of uploading: 22.09.2026

Chandan Kalyan

….Petitioner

Versus

Union of India ….Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner(s).

Mr. Rajiv Sharma (Hisarwale), Special Public Prosecutor
for the respondent-NCB alogwith
SI—Harsimran Singh (NCB).

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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 bearing NCB Crime No.45 dated 09.09.2019 registered for the offences punishable under Sections 8, 9A, 20, 21, 23, 25A, 29 and 60 of the NDPS Act, 1985, at Police Station NCB Jalandhar, District Jalandhar.

2. The prosecution pertains to recovery of 115 grams of cocaine, 13 grams of Ephedrine and 80 grams of Hashish Oil.

3. Learned counsel appearing for the petitioner has urged that the petitioner is in custody since 18.04.2026. Learned counsel appearing for the petitioner has further urged that the recovery of the contraband in question was made on 09.09.2019 from the house of one Akshinder. Learned counsel

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appearing for the petitioner has further urged that subsequently another co-accused Rajneesh Gill was arrested on 11.02.2026 and the petitioner is sought to be implicated into the complaint in question primarily on account of disclosure of said co-accused Rajneesh Gill as also record of certain telephonic talks with the said co-accused. Learned counsel appearing for the petitioner has further urged that though the prosecution relies upon the certain Call Details Record, but there is no transcript thereof. Thus, regular bai is prayed for.

4. Reply on behalf of the respondent-NCB has been filed. Raising submissions in tandem with the said reply, learned Special Public Prosecutor, NCB, has opposed the grant of regular bail to the petitioner by iterating that there are direct/serious allegations against the petitioner. He has, thus, urged that the petitioner ought not to be extended the concession of regular bail, keeping in view the seriousness of the offence in question. Thus, dismissal of the petition in hand is entreated for. He seeks to place on record custody certificate dated 15.09.2026, 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 18.04.2026 and is in continuous custody since then and upon culmination of investigation challan *qua* the petitioner was presented on 07.08.2026. Total 15 prosecution witnesses have been cited and out of which none has been examined till date. The petitioner has been implicated solely on the basis of disclosure statement of co-accused. As per prosecution version, there is no other material available to connect the

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petitioner with the contraband in question 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 the 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 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:

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> **"***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.***"**

6.2. As per custody certificate dated 15.09.2026 filed by the learned State counsel, the petitioner has suffered incarceration for a period of 4 months & 24 days and is not shown to be involved in any other FIR/case.

6.3. Keeping in view the entirety of the factual milieu of the case in hand, this Court deems it appropriate that further detention of the petitioner as an undertrial is not warranted *qua* the case in hand, in the facts and circumstances of the case.

7. 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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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.

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(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 cellphone 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.

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

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/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.

9. Ordered accordingly.

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

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

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

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