



CRM-M-38994-2026

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

CNR No: PHHC011155122026

2026:PHHC:125834



CRM-M-38994-2026

Muskan and another

...Petitioners

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	07.09.2026
2	The date when the judgment is pronounced	09.09.2026
3	The date when the judgment is uploaded on the website	09.09.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Swati Verma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J. :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of regular bail in case bearing FIR No. 148 dated 17.11.2025 registered under Section 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') (Section 29 of NDPS Act was added later on) at Police Station Mohkampura, Police District



Police Commissionerate Amritsar, District Amritsar.

2. As per the allegations, on 17.11.2025, while the police officials were performing patrolling duty, they noticed accused Harpreet Kaur coming from the side of Mahindra Colony while carrying a plastic polythene bag in her right hand. On seeing the police officials, she appeared perplexed and, after throwing the polythene bag, attempted to flee. On suspicion, she was apprehended. Upon opening the polythene bag, 3kgs and 120 grams of heroin, kept in six separate packets, were recovered therefrom. The recovered contraband was taken into possession by the police. Accused Harpreet Kaur was formally arrested. During interrogation, she suffered a disclosure statement to the effect that the present petitioners were involved with her in the transportation, handling and possession of the contraband. On the basis of the said disclosure statement, the petitioners were nominated as accused and were arrested on 17.11.2025. The investigation stands concluded.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in the present case solely on the basis of the disclosure statement suffered by the co-accused, which cannot be considered to be legally admissible in evidence. They have been in custody since 17.11.2025. No recovery has been effected from them. They are not required for any further investigation. The trial is likely to take considerable time to conclude and no useful purpose would be served by keeping the petitioners behind bars for any further period. The antecedents of the petitioners are clean. It is,



therefore, prayed that the petitioners be extended the concession of regular bail.

4. *Per contra*, learned State counsel has opposed the prayer for bail, contending that, keeping in view the gravity of the allegations levelled against the petitioners, they do not deserve the concession of bail at this stage. There are chances of their absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. The petitioners along with co-accused are alleged to have ben engaged in the business of sale of contraband and supply of the same. No recovery has been effected from them. They were nominated on the basis of disclosure statement of the co-accused. 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 petitioners will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery has been effected from the petitioners.

7. Reliance can also be placed upon the observations made by this Court in ***Anshul Sardana Vs. State of Punjab, 2005:PHHC:004198***, wherein it was observed that a confession made by a co-accused under Section 67 of



the NDPS Act is inherently a very weak piece of evidence and such statement cannot form the sole basis for conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. The final evidentiary value and admissibility of the disclosure statement made by a co-accused falls within the domain of the trial Court and is to be adjudicated during the course of trial in accordance with established principles of law.

8. The petitioners are in custody since 17.11.2025. There is nothing on record, at this stage, to connect the petitioners either with the subject crime or to show that they were connected with the co-accused in any manner at the relevant time. The trial will take considerable time to conclude. Keeping in view the discussion as made above, this Court is of the considered opinion that a case for release of the petitioners on bail is made out. Accordingly, the petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing personal bonds as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and further subject to the conditions that upon his release, they shall provide their Aadhar Card details and details of their mobile phone numbers to the concerned IO/SHO and shall keep their mobile phones switch on all the times. They shall provide their address where they would be residing after release and shall not change the same without informing the concerned IO/SHO.

9. Breach of any of the above conditions shall be a ground for cancellation of bail granted to the petitioners.

10. It is, however, clarified that the observations made hereinabove



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shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th September, 2026

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No