



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

(112)

CRM-M-42172-2025 (O&amp;M)

Date of decision : 24.03.2026

**ABHI GILL**

... Petitioner

**Versus****STATE OF PUNJAB**

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Hitesh Chopra, Advocate with  
Mr. Amit Kumar, Advocate for the petitioner

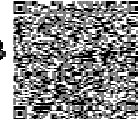
Mr. Roshandeep Singh, AAG, Punjab

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**MANISHA BATRA, J. (ORAL)**

1. The instant petition has been preferred by the petitioner for grant of regular bail in case arising out of FIR No.105 dated 06.06.2025 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS") at Police Station City Batala, District Gurdaspur.

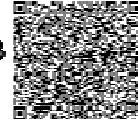
2. As per the allegations, on 06.06.2025, while performing patrolling duty, when a Police party reached near Hansli Drain, a young person was seen coming on the road. On seeing the police officials, he got perplexed, started running and had thrown polythene envelope after taking it out from his pocket. On suspicion, he was apprehended. On asking, he disclosed his name as Anil Kumar Sharma @ Sunny. Recovery of 04 gram of heroin was effected from the



envelope thrown by him. On interrogation, he suffered disclosure statement to the effect that the heroin was received from Abhi Gill i.e. the present petitioner. On the basis of his disclosure statement, the petitioner was apprehended on 26.06.2025 and drug money of Rs.700/- was recovered from him. The petitioner also suffered a disclosure statement, on the basis of which Rahul Chandok, co-accused was arrested on 12.07.2025 and 5 grams 60 miligram heroin was recovered from his possession. Investigation now stands concluded and the petitioner alongwith the co-accused is facing trial for commission of the subject offences.

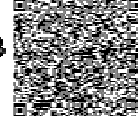
3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which is not admissible in evidence. Recovery of Rs.700/- cannot be said to be of the drug money. Provisions of Section 50 of NDPS Act were not complied with in this case. His involvement in other cases cannot be considered to be a ground to deny him benefit of bail. Small quantity of contraband had been recovered from the co-accused. There are no chances of conclusion of trial in the near future. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that serious and specific allegations are levelled against the petitioner. He is a habitual offender since as many as 08 cases of NDPS Act are registered against him, out of which he stands convicted in 04 cases. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, 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 petitioner is alleged to have supplied small quantity of contraband to the co-accused. The name of the petitioner was disclosed by 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 petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery of contraband has been effected from the petitioner. It is a matter of evidence as to whether the recovered money is drug money or not? The petitioner was arrested on 26.06.2025. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed. Chances of conclusion of trial in the near future are bleak. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice the trial in any manner, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.



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 above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

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

**(MANISHA BATRA)**  
**JUDGE**

**24.03.2026**  
*Amit Sharma*

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