

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:148371



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CRM-M-1298-2025 (O&M)
Date of decision:29.10.2025

Pratap

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vibhor Bansal, Advocate and
Mr. Ishan Bansal, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.168, dated 05.03.2023, under Sections 21(c) of the NDPS Act, Sections 18(c), 27(b)(ii), 18(a)(i), 27(c) read with Sections 17, 17-A, 17-B and 18-A/28 of the Drugs and Cosmetics Act and Sections 467, 468, 471, 420, 201 IPC (petitioner was charged under Section 29 of the NDPS Act and Section 420 IPC) registered at Police Station Camp Palwal, District Palwal. His previous petition bearing CRM-M-51467-2024 had been dismissed vide order dated 22.07.2024.

2. As per the allegations, on 04.03.2023, a secret information was received that accused Rajesh and Pankaj had set up a factory on the

first floor of a house situated at Khayali Enclave Area, wherein they were manufacturing narcotic drugs specifically 'Corex Syrup'. Believing the information to be reliable, information under Section 42 of the NDPS Act was immediately sent to the police station. A raiding party was formed, which reached at the informed place and found two persons while engaged in manufacturing and packaging of narcotic cough syrup 'Onerex' in a tin shed. On asking, they disclosed their names as Rajesh Kumar and Pankaj Singla. They could not produce any license for manufacturing or sale of narcotics. 2850 bottles of 'Onerex Sysrup' containing 'Codein Phosphate', 14.25 kgs of bulk syrup, empty bottles, caps, labels and some medicine used in the production process were seized and taken into custody. They also could not provide any license for drug manufacturing activities. The aforementioned FIR was registered. They were formally arrested. They were interrogated and suffered disclosure statements on the basis of which, the present petitioner was nominated as an accused. He was arrested on 22.11.2023.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR and was falsely implicated in this case on the basis of disclosure statement of the main accused, which cannot be considered to be admissible in evidence. He is in custody since 22.11.2023. The mandatory provisions of the NDPS Act had not been complied with. The trial is going at the snail's pace as no witness has been examined so far. He has clean antecedents. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose.

Co-accused, Iqbal Singh and Rajesh Kumar have since been extended the

benefit of bail. On parity, he too, deserves to be given the same benefit. With these broad submission, it is, urged that he deserves to be released on bail.

4. Status report has been filed. Learned State counsel has argued that the allegations against the petitioner are serious in nature. The petitioner was the supplier of 'codein' to the co-accused. There are chances of the petitioner's absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

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

6. The petitioner has been in custody since 22.11.2023. Out of 26 prosecution witnesses, none has been examined so far. The trial is obviously delayed and there is no likelihood of the same to conclude in near future. It is well settled proposition that prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of Constitution of India. Due to delay in trial and keeping in view the above discussed facts, this Court is of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

7. It is clarified that if the petitioner misuses the concession of bail granted by this Court, his bail shall stand cancelled.

8. It is, further clarified that observations made hereinabove

shall not be construed as an expression of opinion on the merits of the case.

29.10.2025

harjeet

(MANISHA BATRA)
JUDGE

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