



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-8569-2025
Decided on : 01.07.2025

Raj Kumar alias Paiya . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Narender Pal Bhardwaj, Advocate and
Ms. Muskan, Advocate
for the petitioner(s).

Mr. Dharam Pal, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. At the outset, learned State counsel has filed the custody certificate dated 01.07.2025 and medical status report dated 30.06.2025 by way of affidavit of Satvinder Kumar, Superintendent, Central Jail, Ambala, in Court today. Same are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Copies thereof have been handed over to the counsel for the petitioner.

2. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Raj Kumar alias Paiya	231	30.07.2024	21 & 29 of NDPS Act	Parao	Ambala

3. Counsel for the petitioner submits that as per allegations, name of the petitioner has revealed out in the second disclosure statement of the co-



accused, i.e., Suraj @ Passi, from whom 260 grams of 'Heroin' was recovered. Counsel also submits that petitioner is a seriously ailing patient, as he is HIV positive since long and his immunity power is very low. It is also argued that another similarly situated co-accused, namely Sikander, has already been extended the concession of regular bail by this Court vide order dated 27.01.2025, passed in CRM-M-3379-2025, titled as "Sikander v. State of Haryana" (Annexure P-2), wherein while granting bail, the medical condition of the said co-accused was duly considered.

4. Learned counsel for the petitioner contends that the prosecution is primarily relying upon the disclosure statement of the main accused – Suraj @ Passi, which, however, is not corroborated by any independent or substantive evidence. It is argued that such disclosure statements, standing alone, are inadmissible in the eyes of law unless duly supported by other cogent and impeachable material.

Counsel candidly submits that though the petitioner is involved in multiple other cases, in most of them he is already on bail. Thus, in view of the petitioner's precarious medical condition, counsel prays for the grant of regular bail.

5. *Per contra*, learned State counsel, while vehemently opposing the submissions advanced by counsel for the petitioner, places reliance upon the medical status report dated 30.06.2025. It is further submitted that the factum of registration of several other criminal cases against the petitioner also finds mention in paragraph No.2 of the said affidavit. For ready reference, the relevant extract is reproduced here-under:-

- “(a) FIR No.276/2017 U/s 120-B IPC P.S. Baldev Nagar
That the case has been acquitted on 19.09.2024 by the orders of Dr. Sushma-1, JMJC, Ambala.
- (b) FIR No.129/2019 U/S-148, 149, 302, 307, 323, 341, 324, 506 IPC & 25 of Arms Act, P.S. Parao (On bail).



- (c) *FIR No. 406/2021 U/S- 42 of Prisons Act, P.S. Baldev Nagar (On Bail).*
- (d) *FIR No. 58/2024 U/s 380/457 IPC, P.S. Mahesh Nagar (On Bail).*
- (e) *FIR No. 203/2021 U/s 120-B IPC P.S. Baldev Nagar, Ambala (On bail).*
- (f) *FIR No.314/2022 U/s 21,29 of NDPS Act, P.S. Ambala City (On bail).*
- (g) *FIR No. 192/2021 U/s 120-B IPC, P.S. Baldev Nagar (On bail).*
- (h) *FIR No. 55/2024 U/s 21B,29,25 of NDPS Act, P.S. Madhuban, Karnal (On Bail).*
- (i) *FIR No. 444/2021 U/s 42-A Prisons Act, P.S. Baldev Nagar On bail).*
- (j) *FIR No. 322/2022 U/s 42-A Prisons Act, P.S. Baldev Nagar (On bail).*
- (k) *FIR no. 10/2024 U/s 380/457/511 IPC, P.S. Panjokhara, Ambala.”*

It is noticed that except on case mentioned at Sr. No. (k), in all other cases, petitioner is shown to be on bail.

6. In response to the submissions advanced by learned counsel for the petitioner, learned State counsel submits that the petitioner is indeed a known case of HIV and HCV positive, and this fact also finds mention in the aforementioned medical status report. However, it is further pointed out that as per the said report, the petitioner is being regularly provided extra diet in accordance with the Jail Manual, and his health condition is presently stable with ongoing medication.

7. I have heard learned counsel from both the sides and gone through the material, which is available on record.

8. It is noticed that in the present case, the question as to whether the petitioner is directly involved or not is yet to be established by the prosecution, which is primarily relying upon the disclosure statement of the already arrested main accused, namely; Suraj @ Passi, from whom a recovery of 260 grams of ‘Heroin’ was effected. It is not the case of the prosecution that any contraband has been recovered from the petitioner himself in the instant case, rather, the petitioner has been implicated on the allegation that he is the supplier of the recovered contraband.



Furthermore, upon a specific query put by this Court, learned State counsel submits that till date, no witness has been examined. It is also not disputed that the petitioner has been in custody since 02.08.2024.

Therefore, considering the totality of circumstances, and the nature of allegations leveled against the petitioner, and the factors noted here-above, I deem it appropriate to grant the concession of bail to the petitioner.

9. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 01, 2025

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ✓ Yes/~~No~~