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

112/6

**CRM-M No.12762 of 2025
Date of decision: 08.12.2025**

Rajat Dhingda @ Rajat Dhingra

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Navjit Singh, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.931 dated 26.10.2022 registered under Sections 21(c), 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 120-B and 193 of IPC (charge sheeted under Section 22(c) of NDPS Act by learned trial Court) at Police Station Sirsa City, District Sirsa, Haryana. The previous petition as filed by the petitioner

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has been dismissed as withdrawn.

2. As per the allegations, on 26.10.2022, accused Sonu @ Mirchi was apprehended on the basis of a secret information while he was riding a Scooty and recovery of 260 grams of heroin was effected from his conscious possession. He was formally arrested. He suffered a disclosure statement to the effect that recovered contraband had been given to him by accused Boda @ Imran and Bewra @ Ajay. They were nominated as additional accused. He suffered disclosure statement subsequently also. As per the further allegations, subsequently, investigation of the case was transferred to Crime Branch Dabwali and a SIT was constituted. It was found that on instructions of the petitioner, accused Gaurav Nagpal had given false information to the police that the accused Sonu @ Mirchi was having contraband with him. The petitioner, Gaurav Nagpal and Sahil were interrogated. The names of co-accused Rahul Dhingra, Amandeep @ Aman Khalnayak, Karandeep @ Karan, Arshdeep @ Arsh and Yogesh Sharma were surfaced. The petitioner was arrested on 17.02.2023. He suffered a disclosure statement to the effect that he along with the co-accused Karan etc. was involved in the business of sale/purchase of heroin. There was some enmity between co-accused Amandeep @ Aman Khalnayak and accused Sonu @ Mirchi. He along with the co-accused had hatched a conspiracy to plant heroin in the house

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of accused Sonu @ Mirchi and to trap him in a case under NDPS Act. They had purchased heroin and had planted the same in the house of Sonu @ Mirchi. The co-accused were subsequently arrested. Investigation now stands completed.

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 cannot be considered to be admissible in evidence. The prosecution story is quite improbable and unnatural. There could be no question of planting contraband upon the co-accused Sonu @ Mirchi by the petitioner or the co-accused. He was not named in the FIR. Infact, the accused Sonu @ Mirchi by conniving with the investigating agency has given a different colour to the case registered against him. The recovered contraband is detected to be containing Tramadol, Paracetamol and Caffeine and not heroin and that has falsified the claim of the prosecution. He is in custody since 17.02.2023. The trial will take considerable time to conclude. He is on bail in other cases registered against him. His continued detention would not serve any useful purpose. No recovery has been effected from him. The ingredients of subject offences have not been attracted against him at all. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Deputy Advocate General, Haryana has

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argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused in pursuance of which, commercial quantity of contraband heroin was alleged to have been planted in the house of the co-accused Sonu @ Mirchi and was allegedly recovered from his house. As per the FSL report, the recovered contraband was containing Tramadol, Paracetamol and Caffeine and contents of heroin were not found in the same. No recovery has been alleged to be effected from the petitioner. He has been involved in this case on the allegations of hatching a conspiracy and planting contraband in the house of the co-accused. He is in custody for a period of about 2 years and 10 months. The trial will take time to conclude. It is a matter of trial as to whether the contents of subject offences are attracted in this case or not? Without delving into the rival contentions, lest the same prejudice the trial, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody any more as he has already suffered incarceration for a long period. In view of this matter, the rigors imposed under Section 37 of NDPS Act also stand diluted particularly in the light of Article 21 of Constitution of India. In view of the above, the petition is

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allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

08.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No