

2025:PHHC:046557



234.

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

**CRM-M-17485-2025 (O&M)**

Date of decision: 04.04.2025

Gopal Chand

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

-----

**MANJARI NEHRU KAUL, J. (ORAL)**

**CRM-13199-2025**

Application is allowed, as prayed for.

**CRM-M-17485-2025**

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.295, dated 22.09.2024, under Sections 21(c), 27(a) of NDPS Act, 1985 (Section 29 of NDPS Act added lateron), registered at Police Station Parao Ambala Cantt., District Ambala.

2. It has been contended that the petitioner has been in custody since 27.10.2024. Purportedly, a disclosure statement was suffered by co-accused, Hardik Grover, from whom recovery of 258 grams 39 miligrams of heroin was allegedly effected pursuant to a secret information received

by the police. Learned counsel has vehemently argued that firstly, no such secret information had been received qua the involvement of the petitioner in drug trafficking and secondly, the disclosure statement, on the basis of which, the petitioner has now been nominated in the present case, holds weak evidentiary value, which also needs to be appreciated in the light of no recovery of any contraband having been effected from him on his arrest on 27.10.2024. It has been submitted that since it was claimed by co-accused, Hardik Grover, that the recovered contraband had been procured from the petitioner and his son, it becomes all the more obvious that the petitioner is innocent in the absence of no recovery of any contraband having been effected on his arrest. Learned counsel has further submitted that the investigation in the present case is complete as challan already stands presented. Hence, further incarceration of the petitioner, in the aforementioned facts and circumstances, would serve no useful purpose, as charges are yet to be framed and as many as 25 prosecution witnesses have been cited.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he disputed that no recovery of any contraband was made from the petitioner on being arrested pursuant to the disclosure statement allegedly suffered by co-accused, Hardik Grover. However, learned State counsel, on instructions, submits that there are call record details between the petitioner and co-accused, Hardik Grover, from which, a safe inference can be drawn that they both

had been acting in tandem. It has also been submitted that the petitioner has previously been involved in another case under the NDPS Act.

4. Learned counsel for the petitioner, however, submits that the petitioner may be put to any stringent conditions while being enlarged on bail. The petitioner undertakes to furnish two local sureties in case he is enlarged on bail.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The investigation qua the petitioner is complete. As not disputed by the learned State counsel, no recovery of any contraband, much less heroin, was made from the petitioner on being arrested pursuant to the disclosure statement, although it was claimed by co-accused, Hardik Grover, that the petitioner and his son were the alleged suppliers of the recovered contraband. The trial is unlikely to conclude in the near future, as the next date fixed before the trial Court is 08.04.2025, coupled with the fact that as many as 25 prosecution witnesses have been cited.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, the trial Court may impose any stringent condition as it deems fit, including furnishing of two local sureties to ensure the presence of the petitioner during trial.

9.           Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

10.          It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**April 04, 2025**  
sanjeev

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