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

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CRM-M-31593-2025 (O&M)
Date of decision : 28.10.2025

Nirbhayaram Dhakad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rahul Vats, Advocate and Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 298 dated 04.07.2022, registered under Section 18(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) (Section 27-A of the NDPS Act added later on) at Police Station City Tohana, District Fatehabad.

2. Brief facts of the case relevant for the disposal of the present petition are that on 04.07.2022, on the basis of suspicion, co-accused Satpal Singh @ Sattu and Jagdish, while travelling in a car bearing registration number HR-24-S-3109, were apprehended by a police party headed by ASI Rajesh Kumar and recovery of 02 kgs. 600 grams of opium was effected from a polythene bag, which was kept underneath the driver seat of the said car. Both the co-accused were formally arrested at the spot. During the course of

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investigation, they suffered disclosure statement to the effect that on 03.07.2022, they had gone to Bhilwara, Rajasthan in their car and bought the recovered contraband from the present petitioner for a sum of Rs.2 Lakhs. On the basis of the same, the petitioner was nominated in this case and was arrested on 26.03.2025 by way of production warrant as he was already in custody in connection with some other case. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he was neither found at the spot nor was named in the FIR. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which cannot be considered to be admissible in evidence. There is nothing on record to show that the petitioner was involved in subject crime in any manner with the co-accused. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time. Co-accused Jagdish and Satpal Singh @ Sattu, who were apprehended at the spot and from whom the alleged recovery was effected, have since been granted concession of bail by this Court. On parity, the petitioner too deserves the same benefit. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is,

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thus, argued that the petition is liable to be dismissed.

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

6. The petitioner has been nominated in this case on the basis of the disclosure statements suffered by the co-accused Jagdish and Satpal Singh @ Sattu, who were apprehended at the spot and from whom recovery of 02 kgs. 600 grams of opium was effected. The petitioner was arrested on 26.03.2025. However, no subsequent recovery of any contraband is shown to have been effected from him, except a meagre amount of Rs.5,000/-. 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 and challan/supplementary challan has been filed but no witness has been examined so far, which means that conclusion of trial would take considerable time. Above named co-accused have already been granted concession of bail by this Court. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.10.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No