

2025:PHHC:131349



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

224

**CRM-M No.37879 of 2025
Date of Decision: 22.09.2025**

Kalu Ram Patedar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tarundeep Kumar, Advocate,
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. The present one is the third 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.85 dated 02.03.2010 registered under Sections 15 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Thanesar Sadar, District Kurukshetra. The previous two petitions as filed by the petitioner had been dismissed.

2. As per the allegations, on 02.03.2010, 120 bags containing 24 quitnals of poppy husk were recovered from a truck wherein the

2025:PHHC:131349



accused Amrik Singh, Krishan Kumar and Satbir Singh were travelling. The accused Amrik Singh suffered disclosure statement to the effect that he was doing business of selling poppy husk along with present petitioner and one Goverdhan Lal Ratadiya Patedar. Both of them were nominated as accused. They could not be arrested and were declared proclaimed offenders. The presence of petitioner who was in custody in some other was secured by way of issuance of production warrants and he was arrested on 24.05.2024. The co-accused Goverdhan Lal Ratadiya Patedar was also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he is in custody since long. He never received any notice, warrant or proclamation. He has a permanent abode in Madhya Pradesh. He had been regularly doing business therein and had never left his residence. He was wrongly declared a proclaimed person. After his arrest, no recovery has been effected from him. He has been nominated on the disclosure statement of co-accused which cannot be considered to be admissible in evidence. There is one stray entry of transaction of money in his account by the co-accused which does not connect him with the commission of subject offences. Trial will take considerable time. The co-accused Goverdhan Lal Ratadiya Patedar has been extended benefit of bail. On parity, he too deserves to be given the same benefit. The extended period of his incarceration has also made him entitled for seeking bail. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. Learned Deputy Advocate General,

2025:PHHC:131349



Haryana while opposing the submissions made by petitioner's counsel has argued that the allegations against the petitioner are serious in nature. He was previously declared a proclaimed person. There are chances of his absconding if released on bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The name of the petitioner was disclosed by co-accused Amrik Singh from whom commercial quantity of contraband was recovered. As per his disclosure statement, he had sourced the contraband from the petitioner and co-accused Goverdhan Lal Ratadiya Patedar who has since been extended benefit of bail. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. The veracity of the disclosure statement against the petitioner will be tested during the course of trial. Some transaction of money is stated to have taken place between the petitioner and the co-accused Amrik Singh. The fact as to whether this transaction was with regard to sale/purchase of contraband can be ascertained only after the entire evidence is led and not at this stage. Keeping in view the period of incarceration of the petitioner, the role attributed to him, on parity and further taking into consideration the above discussed facts, this Court is of the opinion that a case for release of petitioner on bail is made out at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his

2025:PHHC:131349



furnishing personal bonds as well as surety bonds by **two sureties** in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched at all times. He shall also give copy of his Aadhar Card and PAN Card, if any which shall be made part of trial Court record.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

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

2025:PHHC:131349



and shall not influence the outcome of the trial.

22.09.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No