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

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CRM-M-37906-2025 (O&M)
Date of decision: 20.08.2025

Nafish**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Ms. Himani Arora, DAG, 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. 25 dated 20.01.2025, registered under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chandi Mandir, District Panchkula.

2. Brief facts of the case relevant for the disposal of the present petition are that on 20.01.2025, co-accused Mohit Kumar was apprehended by a police party and recovery of 5760 tablets of Lomotil was effected from him. Upon interrogation, he named one Nafees @ Nafish as supplier of the recovered contraband. Upon arrest, said Nafees @ Nafish named one Aamir Khan @ Soni as supplier of the recovered contraband. He named one Suresh Kumar Gupta as supplier and on his disclosure, co-accused Sajal Rassewatt was nominated in this case as supplier of the recovered contraband. He was

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arrested on 06.02.2025. The petitioner was arrested on 22.01.2025. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. He was neither named in the FIR nor was found present at the spot. He has been nominated in this case on the basis of the disclosure statements suffered by the co-accused, which is not admissible in evidence. Although he has been falsely implicated in one more case but he is on bail in that case. No subsequent recovery has been effected from him. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 22.01.2025. No useful purpose would be served by keeping him in custody anymore. Co-accused Sajal Rassewatt has already been granted concession of regular bail by this Court, vide order dated 08.08.2025 passed in **CRM-M-18968-2025**. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Custody certificate of the petitioner has been filed by the respondent-State. It is submitted by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged 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.

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6. The petitioner is in custody since 22.01.2025. He has been nominated in this case on the basis of the disclosure statements suffered by the co-accused. However, no subsequent recovery is shown to have been effected from her. Investigation has since been completed and *challan* has been presented. Similarly situated co-accused has already been granted concession of bail by this Court, as mentioned above. Conclusion of trial would take considerable time. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her 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.

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.

20.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*