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

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CRM-M-38266-2025 (O&M)
Date of decision: 08.12.2025

Mahender Singh**...Petitioner**

Versus

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

Present:- Mr. Vikramjeet Singh, Advocate and
Mr. R. S. Bhullar, 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. 370 dated 07.09.2021, registered under Section 15(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 201 of IPC (added later on) at Police Station Rania, District Sirsa.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.09.2021, co-accused Deepak Kumar @ Deepu and Santosh Singh, while coming in a Bolero vehicle bearing registration number HR-61-3183, were apprehended by a police party headed by ASI Tarsem Singh and recovery of 180 kgs. of Doda Post contained in 09 plastic bags, which were kept in the said vehicle, was effected. Both of them were formally arrested at the spot. During the course of investigation, name of the

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petitioner surfaced in the disclosure statement suffered by co-accused Santosh Singh on 09.09.2021 with the allegations that he along with one Mukesh was also involved in the trading of the contraband and there were several money transactions in his bank account. On the basis of the same, the petitioner was nominated in this case as an accused but he could not be arrested. Ultimately, he was declared a proclaimed person. He was subsequently arrested on 20.05.2025. Investigation qua him stands completed.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime. He has been involved in this case on the basis of the disclosure statement suffered by co-accused Santosh Singh, which is not admissible in evidence against him. The alleged money transactions, which had taken place between him and co-accused Mukesh, were in fact personal transactions as Mukesh is first cousin of the petitioner and the transactions relate to borrowing and returning the money between them. The petitioner has clean criminal antecedents. He is not involved in any other similar case. No subsequent recovery has been effected from him. Trial is substantially delayed as the prosecution witnesses are not turning up. Even otherwise, co-accused Deepak Kumar @ Deepu, Santosh Singh and Mukesh have been granted concession of regular bail by this Court, vide orders dated 03.11.2023 and 25.04.2025, passed in **CRM-M-38758-2022**, **CRM-M-32223-2023** and **CRM-M-2733-2025**, respectively. On the grounds of parity, the petitioner too deserves the same benefit. No useful purpose would be served by keeping him in custody anymore.

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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. It is argued by learned State counsel that there are serious allegations against the petitioner. Commercial quantity of contraband was recovered from the co-accused. An amount of Rs.1.96 Lakh was transferred from the bank account of co-accused Santosh Singh to the bank account of the present petitioner. The petitioner had even been declared a proclaimed person. There are chances of his absconding or committing similar offences, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the prosecution case, the recovery of 180 kgs. of Doda Post was effected from co-accused Deepak Kumar @ Deepu and Santosh Singh on 07.09.2021, when they were coming in the aforesaid vehicle. Admittedly, the petitioner was not present at the spot and has been nominated in this case on the basis of the disclosure statement suffered by co-accused Santosh Singh. The allegations against him are that he was involved in trading of the contraband and had received drug money in his bank account. However, a specific plea has been taken by the petitioner that alleged money transactions, which had taken place between him and Mukesh, were personal transactions on account of borrowing and returning money between them as they are cousin brothers. Hence, it will be a question of debate as to whether the same was drug money or not? More so, the main accused Deepak Kumar @ Deepu and Santosh Singh are already on

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bail, as mentioned above. Even similarly situated co-accused Mukesh has been granted bail by this Couret. The petitioner is in custody since 20.05.2025. He has clean antecedents. Conclusion of trial is likely to take considerable time. Keeping in view the aforesaid facts and circumstances, this Court is 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.

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.

08.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>