

2025:PHHC:127553



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39665 of 2025
Date of Decision: 16.09.2025
Reserved on: 09.09.2025

Yagdutt ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

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

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
17	16.01.2025	Dharuhera, District Rewari, Haryana	22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (29 of NDPS Act added later on)

2. As per the allegations, on 16.01.2025, the co-accused Sunil Kumar was apprehended by police party and recovery of 1728 intoxicating capsules containing Tramadol was effected from him. He

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could not produce any valid licence or permit for the same. He was formally arrested. On interrogation, he disclosed that he had purchased the intoxicating drugs from the present petitioner. The petitioner was arrested on 16.01.2025. At the time of his arrest, one motorcycle used by him for supplying drugs and cash amount of Rs.17,000/- was recovered which along with his mobile phone was taken into custody. On interrogation, he suffered disclosure statement about receiving contraband from the accused Jitender Singh and then about selling the same to the accused Sunil. The accused Jitender Singh was nominated as such. On the basis of further disclosures, the co-accused had been arrested. The investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused Sunil Kumar which cannot be considered to be admissible in evidence. A false recovery has been planted upon him. No contraband is, however, even alleged to be recovered from him. He is in custody since 16.01.2025. He has clean antecedents. His further incarceration would not serve any useful purpose. The co-accused Jitender Singh has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. While refuting the contentions as raised by the petitioner's counsel, it is argued by learned Deputy Advocate General, Haryana that there are serious allegations against the petitioner and he does not deserve to be extended benefit of bail.

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5. This Court has considered the rival submissions.

6. The petitioner is alleged to have supplied intoxicating capsules of Tramadol to the accused Sunil Kumar. No contraband had been recovered from him. He is in custody since 16.01.2025. The petitioner does not have any criminal antecedents. Not even a single out of 29 prosecution witnesses have been examined so far. The trial will take considerable time to conclude. The co-accused Jitender Singh has been extended benefit of bail. In view of the above discussed facts and circumstances, this Court is of the opinion that the petitioner has made out a case for his release on bail. Accordingly, the present petition is allowed and 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.

(MANISHA BATRA)
JUDGE

16.09.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No