

2025:PHHC:171094



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

112

CRM-M No.43674 of 2024
Date of decision: 08.12.2025

Sonu alias Mirchi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aditya Sanghi, Advocate and
Mr. Himanshu Garg, 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.931 dated 26.10.2022 registered under Sections 21(c), 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 120-B and 193 of IPC (charge sheeted under Section 22(c) of NDPS Act by learned trial Court) at Police Station Sirsa City,

2025:PHHC:171094



District Sirsa, Haryana. The previous two petitions as filed by the petitioner has been dismissed as withdrawn.

2. As per the allegations, on 26.10.2022, the petitioner was apprehended on the basis of a secret information while he was riding a Scooty and recovery of 260 grams of heroin was effected from his conscious possession. The petitioner was formally arrested. He suffered a disclosure statement to the effect that recovered contraband had been given to him by accused Boda @ Imran and Bewra @ Ajay. They were nominated as additional accused. He suffered disclosure statement subsequently also. As per the further allegations, subsequently, investigation of the case was transferred to Crime Branch Dabwali and a SIT was constituted for further investigation of the case. It was found that the accused Rahul Dhingra, Karandeep @ Karan, Yogesh Sharma, Amandeep @ Khalnayak and Kamal were indulged in the business of sale/purchase of contraband heroin. The accused Amandeep @ Khalnayak who is brother of co-accused Karan @ Karandeep was having enmity with the petitioner who had got registered a case under Section 307 of IPC against him in the year 2020 and in order to take revenge, he along with the co-accused after hatching a conspiracy had planted the contraband in the house of the petitioner and had then given information to the police. The co-accused were also arrested. Investigation now

2025:PHHC:171094



stands completed.

3. It will be relevant to mention here that vide order dated 13.11.2024, the petitioner was extended benefit of interim bail in this petition.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. Prior to his release on interim bail, he has remained in custody for a period of over two years. No purpose would be served by detaining him in custody. He has not misused the concession of interim bail granted to him. The trial will take considerable time to conclude as only 07 out of 25 witnesses have been examined so far. The Investigating Officer of the case has since been examined and has admitted during cross-examination that as per the findings of SIT, recovery was planted upon the petitioner. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Per contra, learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations, the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The previous two petitions as filed by the petitioner has been dismissed as withdrawn. The petitioner is on interim bail in pursuance of

2025:PHHC:171094



order dated 13.11.2024. It is very fairly conceded by learned Deputy Advocate General, Haryana that he has not misused the concession of bail. As per the allegations, the recovery of 260 grams of heroin was effected from the conscious possession of the petitioner. However, as submitted in the second status report as filed by the respondent-State, as on 02.11.2022, the investigation of this case had been transferred to Crime Branch Dabwali and a Special Investigation Team had been constituted and as per the investigation conducted and as per the disclosure statement of the co-accused, the contraband was planted upon the house of the present petitioner by the co-accused in order to entangle him in a case. The co-accused had also been arrested. Now charge under Section 22(c) of NDPS Act had been framed as against the petitioner. Though as per the custody certificate, the petitioner is shown to be involved in several cases including cases under the provisions of NDPS Act, but he has remained in custody in this case for over a period of two years. The trial is likely to take considerable time to conclude. It is only on thorough assessment of evidence to be produced during the course of trial that it can be concluded by the trial Court as to whether the recovery was actually effected from the conscious possession of the petitioner or it was planted by the co-accused. The petitioner is not required to be detained in custody for the purpose of further investigation. As

2025:PHHC:171094



mentioned above, he has not misused the concession of bail. As such, the rigors of Section 37 of NDPS Act stand diluted. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, the petition is allowed. The petitioner who is already on interim bail is ordered to be extended benefit of regular bail subject to his furnishing fresh personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and further subject to compliance of the following conditions:-

- (i) The petitioner shall not misuse the liberty so granted.
- (ii) He will not tamper with any evidence either oral or documentary, during the course of trial
- (iii) He shall appear before the learned trial Court on each and every date of hearing except when his presence is exempted by the trial Court.
- (iv) He shall also give details of his mobile phone number(s) and Aadhar Card to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

2025:PHHC:171094



- (v) He will not try to delay the trial.
 - (vi) He will deposit his passport, if any, with the trial Court.
8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

08.12.2025
manju

(MANISHA BATRA)
JUDGE

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