



CRM-M-41048-2025

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

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**CRM-M-41048-2025
Decided on :05.08.2025**

Raj Kumar alias Kaka

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Raj Kumar alias Kaka has filed present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in case FIR No.359 dated 07.12.2022, under Section 21(b) NDPS Act (Sections 27-A and 31 of NDPS Act were added later on), registered at Police Station City Ratia, District Fatehabad.
2. Learned counsel for the petitioner submits that, as per the prosecution case, 10 grams and 10 milligrams of heroin was recovered from co-accused, namely Rajpal Singh. Subsequently, a disclosure statement was recorded from him naming the petitioner as the supplier of the contraband. Upon the arrest of the petitioner, and on the basis of his disclosure statement, another accused, namely Mehanga, was also

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implicated in the case. Counsel submits that nothing has been recovered from the possession of the petitioner, and his involvement is solely based on the disclosure statements of co-accused, the admissibility of which would be a moot question before the Court during the trial. It is further submitted that petitioner is in custody since 21.06.2025, and therefore, prays for the grant of regular bail.

3. On the other hand, learned State counsel, while acknowledging that the petitioner is in custody for more than one month, opposes the bail plea, submitting that the investigation is still ongoing and the petitioner's role remains under active scrutiny. It is also submitted that the petitioner was previously involved in other cases under the NDPS Act; however, it is conceded that the petitioner is currently on bail in those cases.

4. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the petitioner has been in custody for over one month. Nothing has been recovered from the petitioner's possession, and his involvement is based solely on disclosure statements, the admissibility of which is questionable. Therefore, considering the totality of the circumstances, this Court finds merit in the petitioner's prayer for regular bail.

5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

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6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.08.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*