

2025:PHHC:171167



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

112/2

CRM-M No.49259 of 2024
Date of decision: 08.12.2025

Gaurav Nagpal

... Petitioner

Vs.

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. (Oral)

1. The present one is the second 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, District Sirsa, Haryana. The previous petition as filed by the petitioner

2025:PHHC:171167



has been dismissed as withdrawn.

2. As per the allegations, on 26.10.2022, accused Sonu @ Mirchi 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. He 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 and it was revealed that as per the instructions of co-accused Rajat Dhingra, the present petitioner had given a false information to the police that the accused Sonu @ Mirchi was having contraband with him. The petitioner had hatched a conspiracy with the co-accused Amandeep @ Aman @ Khalnayak and Karandeep @ Karan who was having inimical relations with the accused Sonu @ Mirchi to falsely implicate him in a case under the provisions of NDPS Act. The petitioner was formally arrested on 07.03.2023 and he suffered disclosure statement admitting that by hatching a conspiracy with the co-accused to trap the accused Sonu @ Mirchi in a false case of keeping contraband, he had given information to the police and also that in pursuance of the conspiracy, co-accused

2025:PHHC:171167



Karandeep and Yogesh Sharma had purchased heroin from Delhi and they had planted the same in the house of the co-accused Sonu @ Mirchi. The investigation now stands completed.

3. It will not be out of place to mention that vide order dated 14.11.2024, the petitioner has been 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 on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. Neither any recovery has been effected from him nor he was alleged to be found in possession of any contraband. He has been implicated on the ground that he in connivance with the co-accused had purchased contraband and had planted the same in the house of the co-accused Sonu @ Mirchi. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody. After being extended benefit of interim bail, he has not misused the concession of the same. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. With these broad submissions, it is argued that the petition deserves to be allowed.

5. Learned Deputy Advocate General, Haryana, on the other hand, has argued that the petitioner by hatching a conspiracy with the co-

2025:PHHC:171167



accused planted contraband of commercial quantity in the house of co-accused Sonu @ Mirchi after purchasing the same. The allegations against him are serious in nature. He is a habitual offender being involved in several cases. There are chances of his absconding if extended benefit of regular bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. As discussed above, the petitioner has been extended benefit of interim bail and it has been very fairly conceded by learned Deputy Advocate General, Haryana that he has not misused the concession of the same. He remained in custody for a period of more than 1 year and 8 months till 19.11.2024. The allegations that he in connivance with the co-accused had planted contraband in the house of the co-accused and had given false information to the police are such which are to be proved on thorough assessment of the evidence to be produced during trial before the trial Court. It is also required to be considered on the basis of evidence that the subject offences have been made out against the petitioner or not. The trial will take considerable time to conclude. On the basis of allegations so levelled, it cannot be stated that the rigors of Section 37 of NDPS Act are strictly attracted qua the petitioner. Taking into consideration all the above discussed facts but without meaning to

2025:PHHC:171167



make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the petition is allowed and 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.
- (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
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(MANISHA BATRA)
JUDGE

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