



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-M-46940-2025

Date of Decision : 10.12.2025

PARTAP BHUKAR ALIAS PARTAP SINGH

...Petitioner

VERSUS

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Simranjeet Singh Sarwara, Advocate,
Mr. Gurmeet Singh, Advocate and
Ms. Renu, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.326 dated 03.09.2021 registered against him, for commission of offences punishable u/s 15(b) of Narcotic Drugs and Psychotropic Substances Act at Police Station Ellenabad, District Sirsa, has prayed for grant of bail.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

On 03.09.2021 based on a chance recovery, Police team headed by ASI Mahender Singh seized 17 Kgs of doda post - poppy husk (Non-Commercial Quantity) from possession of one Surender. After the statutory formalities were complied with, FIR was lodged. Aforementioned Surender was interrogated who disclosed that he had purchased the contraband from Partap Bhukar @ Partap Singh (present petitioner), son of Ramdhan, resident of Village Meghana, Tehsil Nohar, District Hanumangarh,



Rajasthan. Thereafter, petitioner was arrested on 06.07.2024.

On culmination of investigation, challan was prepared and filed in the Court on 03.10.2024.

3. Petitioner/accused who was arrested on 06.07.2024 moved an application for grant of bail before the learned Additional Sessions Judge, Sirsa. The same was dismissed vide order dated 02.06.2025. Aggrieved of which, present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present, he was not apprehended at the spot. His name cropped up in the disclosure statement suffered by co-accused Surender, who was allegedly caught red handed while keeping in his illegal possession 17 Kgs of Doda Post – Poppy Husk (Non-Commercial Quantity). This disclosure statement is not admissible in evidence, being confessional in nature made before the police authorities, in view of Section 25 of the Indian Evidence Act. Further, nothing incriminating material was recovered at his instance.

Learned counsel fairly concedes that petitioner is involved in seven more criminal cases (details of which have been mentioned in para 6 of the present petition) through he (P) is on bail in most of these. Learned counsel further submits that co-accused - Surender, who was apprehended at spot, has since been granted the concession of bail by the learned Additional Sessions Judge, Sirsa, vide order 02.11.2021 (Annexure P-3), it has thus been prayed to extend similar treatment to present petitioner.

Learned counsel contends that investigations in the present case are complete, for challan has been filed, but charges are yet to be framed, thus, likelihood of completion of trial in the near future is quite remote. In the



situation as above, further incarceration of petitioner in custody, would not serve any useful purpose and would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India.

Towards the end, learned counsel contends that petitioner, who has been in custody since 06.07.2024 and who was not apprehended at the site, rather was roped in on the basis of disclosure statement, deserves concession of bail when co-accused, who was caught red handed at the site, allegedly keeping in his illegal possession “*Non-Commercial Quantity*” of contraband, has been extended the concession of bail; past questionable antecedents cannot be the sole basis for refusing the relief sought by him (for rigors of Section 27 NDPS Act would not be applicable in this case). Prayer for allowing the petition has been made.

5. Status report dated 29.11.2025 by way of affidavit of Mr. Faisal Khan, Assistant Commissioner of Police, Ellenabad, District Sirsa, has been placed on record. Learned State counsel has opposed the request for grant of bail on the ground that petitioner has been specifically named by co-accused, as the person who had supplied the contraband. Learned State counsel further submits that even the past antecedents of petitioner are far from satisfactory, as he is also involved in several other cases of like nature (the details of which are mentioned in para No.12 of the status report), thus, it cannot be presumed that he is not involved in this offence or that he is not likely to commit the offence again, if extended the concession of bail. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.



7. When appreciated in the light of the facts that have been brought on record, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Further as has been rightly submitted by learned counsel for the petitioner, the likelihood of completion of trial is quite remote, for charges have not been framed till date. Thus, this Court is of the opinion that in the facts and circumstances as mentioned above, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the*

case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

10.12.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>