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

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CRM-M-47903-2025 (O&M)
Date of decision : 08.12.2025

Pankaj Kumar @ Pankaj Ruhela

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shailender Singh, Advocate and
Ms. Priya Bhati, Advocate
For the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 0894 dated 13.09.2024, registered under Sections 20, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 78 of J. J. Act (added later on) at Police Station Yamuna Nagar City, District Yamuna Nagar.

2. The aforementioned FIR was registered on the allegations that on 13.09.2024, accused Neetu Kumari, Rajbali, Asha and Nirasha were apprehended by a police party on the basis of suspicion and recovery of 33.9 kgs. of Charas was effected from their conscious possession. They were formally arrested. During the course of investigation, accused Rajbali suffered disclosure statement, on the basis of which, Parth Rana was nominated as an accused in this case. He was arrested and suffered disclosure statement, on the basis of which, the present petitioner was nominated as an additional accused

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on the allegations that the recovered contraband had been supplied by him to co-accused Parth Rana and the latter had supplied it to the co-accused Rajbali etc. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. The said accused has since been granted concession of bail. The petitioner does not have criminal antecedents. His continued detention would not serve any useful purpose. The trial will take considerable time to conclude as only 01 witness has been examined out of total 26 prosecution witnesses. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. Drug money of Rs. 1500/- has been recovered from him. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the

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accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by co-accused Parth Rana, who himself was nominated in this case on the basis of the disclosure statement suffered by co-accused Rajbali. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The petitioner was arrested on 19.12.2024. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time as only 01 witness has been examined so far out of total 26 prosecution witnesses. The petitioner has clean antecedents. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody

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anymore. Accordingly, the present petition is allowed. 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.

8. 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.

08.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No