



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-51676-2025 (O&M)
Date of decision: 06.11.2025

Manoj Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sumit Sangwan, Advocate for the petitioner

Mr. Rakesh Kumar Jangra, AAG, Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.0121 dated 05.06.2025, registered under Section 21(c) of NDPS Act at Police Station Industrial Area, Bhiwani, District Bhiwani.
2. Learned counsel contends that the petitioner has been in custody for 4 months and 29 days. He alleges false implication. His name surfaced based on the second disclosure statement of co-accused Vikas, is in custody, who was also named by co-accused Arun from whom, alleged recovery of contraband have been effected. There is no recovery from the petitioner. He is not involved in any other case. Challan is to be presented.
3. The custody certificate dated 05.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 4 months and 29 days.



4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of selling the contraband to co-accused. However, he is unable to controvert the submissions with regard to the challan being not presented and the petitioner being not involved in any other case.

5. Heard.

6. Co-ordinate Bench of this Court in **Kuldeep Singh @ Ghadi vs. State of Punjab**, CRM-M-53731-2025, granted bail on 26.09.2025 to the petitioner, who had been implicated based on the disclosure statement of co-accused and released on bail after being in custody of less than 2 months having been arrested on 01.08.2025, being 1st offender and report under Section 173(2) Cr.P.C. was yet to be presented by relying on **State of Haryana vs. Samarth Kumar**, 2022(3) R.C.R. (Criminal) 991, wherein it has held that the case of **Tofan Singh vs. State of Tamil Nadu**, (2021) 4 SCC 1, would be applicable at the time of regular bail or at the time of final hearing and **Jaswinder Singh @ Jassi @ Nanna vs. State of Punjab**, CRM-M-54961-2024, decided on 10.12.2024, also the case of disclosure statement, wherein bail was granted to the petitioner after being in custody for about 4 months.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 months and 29 days; not involved in any other case; challan has not been presented, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to



furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.
- (x) The petitioner shall also report to the concerned Police Station on the 1st of every month.

9. It is made abundantly 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.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be

construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

06.11.2025

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No