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

112/3

CRM-M No.59062 of 2024
Date of decision: 08.12.2025

Yogesh Sharma @ Yogi

... 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

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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 The previous petition as filed by the petitioner has been dismissed as withdrawn.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. It was revealed that the petitioner along with the co-accused Amandeep @ Aman Khalnayak, Karandeep @ Karan and Kamal was involved in the business of selling heroin. The accused Amandeep @ Khalnayak was having enmity with the co-accused Sonu @ Mirchi. They had hatched a conspiracy to plant heroin in the house of co-accused Sonu @ Mirchi and to trap him in a case under NDPS Act. The contraband was purchased by them. It was brought from the house of the petitioner by co-accused Rahul Dhingra and was planted in the house of accused Sonu @ Mirchi and then information was given to the police. The petitioner was

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nominated as an accused on the basis of disclosure statement of accused Rahul Dhingra and was arrested on 14.02.2023. He suffered disclosure statement admitting his involvement. The co-accused were also arrested. Investigation now stands completed.

3. It will not be out of place to mention that vide order dated 02.12.2024 passed in this petition, the petitioner had been extended benefit of interim bail.

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

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hand, has argued that the petitioner by hatching a conspiracy with the co-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 9 months till 05.12.2024. The allegations that he in connivance with the co-accused had planted contraband in the house of the co-accused 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

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without meaning to 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.

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- (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	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No