

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:170903



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CRM-M-62846-2024 (O&M)
Date of decision:08.12.2025

Parth

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner.

Mr. Birender Bikram Attrey,
Additional Advocate General, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.894 dated 13.09.2024 registered under Sections 20-C, 27 and 29 of the NDPS Act, at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. As per the allegations, on 13.09.2024, on the basis of secret information, non-applicants/co-accused Raj Bali, Neetu Kumari, Asha and Nirasha were apprehended and 33 kg 900 grams of *charas* was recovered from their conscious possession. They were formally arrested. Recovered contraband was taken into possession by the police. On interrogation, accused Raj Bali suffered a disclosure statement to the effect that the contraband had been supplied to them by the present petitioner. He was

nominated as an additional accused and was arrested on 18.09.2024. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the 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 disclosure statement suffered by co-accused, which cannot be considered to be admissible in evidence. The provisions of the NDPS Act have not been complied with. There is no transcript of the calls which have been allegedly made by him to the co-accused Sudesh, who has not even been apprehended so far. He is in custody since long. Trial would take considerable time to conclude. His continued detention would not serve any useful purpose. He is not involved in any other case of similar nature. With these broad submissions, it is urged that he deserves to be released on bail.

4. Per contra, learned State counsel has argued that commercial quantity of contraband has been recovered from the co-accused which was supplied by the present petitioner. There is call detail records connecting the petitioner with the subject crime. There are chances of the petitioner's absconding or committing similar offence, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. I have heard rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have supplied 33 kgs. and 900 grams of *charas* to the co-accused. The allegations prima facie make out a case for commission of the subject offence against him. However, the petitioner is in custody since 18.09.2024. He is not involved in any other case of similar

nature. He has been involved in this case only on the basis of disclosure statement of the co-accused. It is a matter of trial as to whether his complicity in the crime has been established or not. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

08.12.2025*harjeet***(MANISHA BATRA)
JUDGE**

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