



CRM-M-62736-2025

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

114+226

CRM-M-62736-2025 (O & M)

Date of decision: 08.12.2025

RAHISH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Samay Singh Sandhawalia, Advocate,
for the petitioner.

Mr. Gautam Kaile, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

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Allowed as prayed for. Annexure P-4 is taken on record,
subject to just exceptions.

Main Case:

1. The present petition has been filed under Section 483 of BNS, 2023 for the grant of regular bail to the petitioner in case FIR No.240 dated 04.09.2024, registered at Police Station Chachrauli, Yamuna Nagar, under Sections 21-C and 29 NDPS Act.
2. Reply by way of affidavit of the Deputy Superintendent of Police, Yamuna Nagar-II, filed in the Court, is taken on record.
3. Learned counsel contends that the petitioner is in custody for the last about 4 months. His name surfaced based on disclosure statement

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of co-accused Pervej Khan @ Pebi, from whom recovery of contraband marginally above the non-commercial quantity, it being 267 grams of heroin, was effected. There is no recovery effected from the petitioner and no evidence has also emerged to connect him to the case, but for the aforesaid disclosure statement, which is inadmissible in the eyes of law as per the judgment passed by Hon'ble the Supreme Court in the case of **Tofan Singh vs. State of Tamil Nadu**, 2021 (1) RCR (Crl.) 1. Charges stand framed on 03.11.2025, however, none out of 19 PWs has been examined as yet. He is involved in 7 more cases wherein also, his name was disclosed by the co-accused and the same pertain to the alleged recovery of non-commercial quantity of contraband. Reliance is placed on the judgment of Hon'ble the Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382. He relies on the order passed by Co-ordinate Bench of this Court in **Sandeep Kumar @ Gogi vs. State of Haryana** in CRM-M-24505-2022 decided on 07.12.2022, wherein also the petitioner was implicated on the basis of disclosure statement, no recovery had been effected from him, he was involved in one more case under the NDPS Act.

4. The custody certificate dated 05.12.2025 has been filed by learned State counsel, as per which the petitioner is behind bar since 3 months and 28 days.

5. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner by the co-accused, who was apprehended at the spot alongwith commercial quantity of contraband.

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He is, however, unable to controvert the submissions with regard to stage of the case and petitioner being involved in other cases by way of disclosure statements.

6. Heard.

7. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 months and 28 days; being involved in other cases on the basis of disclosure statement(s), charges were framed on 03.11.2025, prosecution evidence has to commence; in all there are 19 PWs; trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

9. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety

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bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner 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 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.
- (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.

10. 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.

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11. 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.

08.12.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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