



CRM-M-63799-2025

216/4

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63799-2025

Decided on : 04.12.2025

Kuldeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG Haryana

SANJAY VASHISTH, J. (ORAL)

1. Petitioner- Kuldeep, aged 25 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 55 dated 25.01.2025, registered under Sections 22C, 29, 61, 85 of NDPS Act and Sections 238, 215, 318(4), 336(3), 338, 340(2) of BNS, at Police Station Krishna Gate, District Kurukshetra.

2. As per FIR, on the basis of secret information, a raid was conducted upon Rajnish Kumar @ Rinku, whose name was informed by the secret informant, and thereupon, 220 strips of Parvion Spas (24 capsules in each strip), total 5280 capsules (bearing salt Dicyclomine Hydrochloride Tramadol Hydrochloride Actaminophen) were recovered. The recovered strips were bearing Batch No. C-241216, Mfg. Dt. DEC./2024, Exp. Dt. Nov, 2026.

During investigation, it was found that the manufacturing firm of the said capsules, i.e., Soul Healthcare Pvt. Ltd., Kashipur (Uttarakhand), also manufactured total 4,95,600 capsules of Tramadol of same Batch No.C-241216, and were supplied on demand order of Mangaldeep Trading Company, belonging

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to accused Arun Kumar @ Khoo. Subsequently, said capsules were sold illegally in the market by the other accused persons, namely, Amit Gupta, Ashu Thapa, Arun Kumar @ Khoo, Ajay Prajapati and Honey Kumar Garg.

Petitioner's name surfaced in the present case, for the reason that he had few monetary transactions with Honey Kumar Garg, who was found transferring the money through his firm Maa Vishno Telecom, in the account of M/s Mangaldeep Trading Company. However, it was assumed by the prosecution agency that said amount was deposited/transferred by the petitioner Kuldeep through his firm, in lieu of the purchase of Tramadol capsules on asking of co-accused persons namely Honey Kumar Garg and Ajay Prajapati. It is admitted case of the prosecution that the petitioner is running a firm in the name of "Maa Vishno Telecom", which deals in business of digital payment and money transfer services. It is also an admitted position by the petitioner-Kuldeep that he is an authorized agent of master pay application and runs a legitimate business of digital payment by transferring the money and said firm is being run on the basis of authorization by the State authorities.

3. Learned counsel for the petitioner relies upon authorized dealer certificate of Maa Vishno Telecom (Annexure P-2), having been appointed as authorized dealer from November 2019. It is not the case of the prosecution that any specific quantity of contraband/Tramadol capsule etc. was found in the possession of the petitioner or there is any acquisition that a specific quantity was sold out by the petitioner in the open market or to any consumer in the Society.

Thus, as argued by learned State counsel, involvement of the petitioner is suspected, more for his money transaction, done with the firm M/s Mangaldeep Trading Company, the petitioner has already been subject to the custodial interrogation and is inside jail since 24.09.2025. His involvement is yet



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to be determined by the prosecution, whether there is any knowledge and culpability or not, punishable under the Act.

4. Undoubtedly, the onus is heavily upon the prosecution to prove the charges beyond doubt. Mere suspicion or mere money transfer may not be a sufficient ground to seek conviction unless other connecting circumstances supports the said allegation. Be that as it may, petitioner's personal liberty need not to be curtailed any longer, therefore, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

5. However, it is clarified in case the petitioner is found indulged in any manner with the tempering of evidence alone or in connivance with other accused, he will have to face the consequences and may be the bail concession is withdrawn on the asking of the prosecution.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

December 04, 2025

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Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO