

2026:PHHC:054554



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.8392 of 2026
Date of Decision: 08.04.2026

Mohd Juned @ Juna ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
633	30.09.2025	Samalkha, District Panipat, Haryana	15(c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and 318(4), 336(3), 338, 340(2), 238(b) (wrongly mentioned as 238(3) in the prayer clause) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

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2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 30.09.2025 a secret information was received to the effect that the accused Harjeet @ Hardeep was indulged in purchase and sale of intoxicating substances such as poppy husk and opium etc. and that he used to bring the same from other states at cheaper rates and then sold them in the states of Haryana, Punjab, Himachal Pradesh and Delhi etc. It was informed that on 29.09.2025 also, he had got loaded a large quantity of intoxicating substance in Swaraj Mazda bearing registration No. UP14FT-9852 from Rajasthan and had parked the said vehicle at Pehelwan Dhaba, Samalkha and contraband could be recovered from the same. A raiding party was formed which reached at the informed place and found the aforementioned vehicle to be standing in an abandoned condition in the back side of Pehelwan Dhaba. On conducting search, 14 plastic bags containing 274.73 kgs of poppy husk were found kept in the vehicle which were taken into custody along with the vehicle. Investigation proceedings were initiated.

3. As per the further allegations, the accused Harjeet @ Hardeep was arrested on 14.10.2025. He suffered disclosure statement admitting his involvement in the crime and took the names of his accomplices as Jaswinder @ Jassa and Gopal Singh. He also disclosed that he owned Swaraj Mazda vehicle bearing registration No.HR-55W-3926 purchased by him from one Zora Singh but he had removed the original number plate and had



affixed a fake plate number bearing No. UP-14FT-9852. He disclosed that the fake documents of the said vehicle were got prepared by him through accused Rishiraj and the said Rishiraj had arranged the same from the present petitioner. Accused Rishiraj and the present petitioner were nominated as such. Accused Rishiraj was arrested on 24.10.2025. He too suffered disclosure statement disclosing that he had got prepared fake documents of the aforementioned vehicle from the present petitioner and had paid a sum of Rs.10,000/- to the petitioner. The petitioner was also arrested on the same day and suffered disclosure statement admitting his involvement in the crime. He disclosed that the laptop which was used by him for the purpose of preparing forged registration certificate had been destroyed by him. Offence under Section 238(b) of BNS was added. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 24.10.2025. He was not named in the FIR and has been nominated on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. The rigors of Section 37 of NDPS Act are not attracted qua him as no contraband has been recovered at his instance. The allegation that he had prepared forged registration certificate of the vehicle from which the contraband had been recovered, has no basis. There is no direct evidence to connect him with the crime. The trial will take considerable time to

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conclude. No useful purpose would be served by detaining him in custody any more. It is, therefore, argued that he deserves to be released on bail.

5. Status report and custody certificate have been filed. Learned Assistant Advocate General, Haryana has submitted that the antecedents of the petitioner are not clean. He has argued that taking into consideration the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have facilitated the commission of subject offences by the co-accused Harjeet by preparing a forged registration certificate of the vehicle used in transportation of contraband. He is alleged to have been running a computer cafe. No recovery has been effected at his instance. He is in custody since 24.10.2025. The rigors of Section 37 of NDPS Act are obviously not attracted against him. He is alleged to be involved in one more case of cheating and forgery, however, he cannot be denied benefit of bail due to that reason. The well settled proposition of law is that bail is the rule and jail is an exception. Pre trial incarceration of an accused should not be a replica of post conviction sentencing. The detention prior to trial should not become punitive. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is, however, clarified that observations made hereinabove



shall not be construed as an expression of opinion on the merits of the case.

08.04.2026
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(MANISHA BATRA)
JUDGE

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