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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221-2

CRM-M-10095-2026

Date of decision: 5th May, 2026

Parveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sumit Kumar, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 894 dated 13.09.2024 registered under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') (Section 27 of NDPS Act and Section 77 of JJ Act added later on) at Police Station City Yamuna Nagar, District Yamunanagar.

2. As per the allegations, on 13.09.2024, on the basis of a secret information accused Raj Bali, Neetu Kumari, Asha and Nirasha were apprehended and 33 kgs 900 grams of *charas* was recovered from their conscious possession. They were formally arrested. On interrogation, the

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accused Raj Bali suffered a disclosure statement to the effect that the recovered contraband had been supplied to them by accused Sharma Sahani, Vinod Kumar and Munna Thakur, who were nominated as such. Accused Sharma Sahani was found to be lodged in custody in some other case in District Jail Muzaffarnagar, U.P.. His presence was secured through production warrants, and he was formally taken into custody on 07.02.2025. He too suffered a disclosure statement on the basis of which, Pankaj Ruhaila and Parth Rana and some other persons were nominated as co-accused.

3. As per the further allegations, accused Pankaj Ruhaila was arrested on 18.12.2024. He suffered disclosure statement that approximately three months prior to the occurrence, he had supplied a bag containing *charas* to the present petitioner and co-accused Anil @ Mili, in lieu thereof, the petitioner had given a sum of Rs. 12,000/- to him and co-accused Parth Rana. On the basis his statement, the present petitioner along with co-accused Anil @ Mili was nominated as additional accused. The petitioner was arrested on 05.03.2025. Investigation now stands concluded.

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. He was not named in the FIR. No subsequent recovery has been effected from him. He is in custody since long. He is not required for further investigation. The trial will take considerable time to conclude as only 02 out of 26 prosecution

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witnesses have been examined so far. No useful purpose would be served by detaining him in custody anymore. Co-accused Pankaj Ruhaila and Parth Rana have been extended benefit of bail. On parity, he too deserves to be released on bail. It is, thus, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel while relying upon the status report has submitted that taking into consideration the gravity of the allegations as levelled against the petitioner, as well as his criminal antecedents, he does not deserve to be extended benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions

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of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

8. The petitioner along with the co-accused is alleged to be involved in the business of sale/purchase of contraband as he had purchased the contraband from co-accused Pankaj Ruhaila. The allegations levelled against the petitioner *prima facie* make out a case for commission of subject offences against him. However, he has been in custody since 05.03.2025. Co-accused have already been granted benefit of bail. The principle of parity also weighs in favour of the petitioner. The name of the petitioner was disclosed by the co-accused Raj Bali, from whom recovery of commercial quantity of opium has been effected. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. Challan has been presented but even charges have not been framed so far. In such circumstances, the trial is likely

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to take long time to conclude. In view of the discussion made above, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and he has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

9. In the event of there being any FIR/complaint lodged against the

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petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

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

[MANISHA BATRA]
JUDGE

5th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |