



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17933-2026
Decided on : 09.04.2026

Rakesh Kumar . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Dinesh Maurya, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rakesh Kumar	25	30.01.2025	21(C) of NDPS Act, 1985	Ding	Sirsa

2. As per case of the prosecution, on 13th January, 2025, main accused (i) Vilas @ Vikas, and (ii) Prem Sagar, were arrested while they both were together.

As per allegations, accused – Prem Sagar, was a pillion rider of the Splender Black Colour motor cycle No.HR 24 AH 5227, which was being driven by his son Vilash @ Vikas. On being intercepted by the members of the police team, the search was conducted and from the pocket of the jacket worn by co-accused Vilash @ Vikas, 412 grams of heroin was recovered.



3. Learned counsel for petitioner argued that the petitioner has been falsely implicated in this case on the basis of disclosure statement of co-accused Vilash @ Vikas. No recovery was effected from him. He is in custody since 19.02.2025, i.e., for about a period of more than 01 year and 01 month.

Further submits that petitioner is a young boy of the age of 26 years, and as of now, total cited 24 prosecution witnesses, none has been examined so far. Conclusion of trial shall take considerable time to conclude, therefore, no useful purpose would be served by keeping the petitioner behind bar.

4. Learned counsel further submits that one of the main accused, i.e., Prem Sagar has already been granted bail by this Court vide order dated 09.03.2026, passed in CRM-M-43483-2025 (O&M), titled as, "*Prem Sagar v. State of Haryana*" (P-3). It is contended that the case of the present petitioner stands on a better footing, as his implication is based upon the disclosure statement. Therefore, on the ground of parity and in view of the aforesaid facts, learned counsel seeks concession of regular bail.

5. On the other hand, learned State counsel has produced the custody certificate dated 08.04.2026 in Court today, which is taken on record. Office is directed to tag the same at the appropriate place.

A copy thereof has been supplied to the learned counsel for the petitioner.

6. Learned State counsel, while opposing the prayer for bail, submits that the petitioner is involved in other criminal cases, including under the NDPS Act. However, on instructions, he submits that no recovery



has been effected from the present petitioner in the instant case. Besides, other factual assertions made here-above, have also not been disputed by learned State counsel.

7. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds that petitioner has been nominated in the present case on the basis of the disclosure statement of co-accused Vilas @ Vikas. Admittedly, no recovery has been effected from the petitioner.

It is also noticed that out of the total 24 cited prosecution witnesses, none has been examined so far and the trial is likely to take considerable time to conclude. Petitioner, who is about 26 years of age, is inside the jail since 19.02.2025, i.e., for a period of 01 year, 01 month and 17 days. Keeping in view the young age of the petitioner and the period of incarceration already undergone by him, further detention at this stage would not serve any useful purpose.

Moreover, one of the main accused, namely Prem Sagar, has already been granted concession of regular bail by this Court vide order dated 09.03.2026 (Annexure P-3). Thus, on the ground of parity as well, the case of the present petitioner stands on a better footing.

8. Without commenting on the merits of the case, and in view of the aforesaid facts and circumstances, this Court is of the considered opinion that further incarceration of the petitioner is not warranted and his personal liberty need not be curtailed for an indefinite period.

Accordingly, 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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 09, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No