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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-19900-2026

Date of decision: 11th May, 2026

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sachin Kaushik, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

1. 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. 308 dated 04.08.2025 registered under Sections 20(b) (ii) (c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') (Section 238(b) of BNS added later on) at Police Station Gohana City, District Sonipat.

2. As per the allegations, on 04.08.2025, on the basis of a secret information, accused Manoj was apprehended by a police party and recovery of 01 kg. 105 grams of *Charas* was effected from him which was taken into possession. He was formally arrested. On interrogation, he suffered disclosure statement to the effect that he along with the co-accused Gopal had gone to Haridwar for taking *charas* and had taken 01 kgs and 500 grams *charas* from

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co-accused Partap Singh @ Pardeep, who too was also nominated in this case and was arrested on 08.08.2025. On disclosure of accused Manoj, the present petitioner was also nominated as accused and was arrested on 18.09.2025. On interrogation, he disclosed that he along with the co-accused Gopal had purchased 100 grams of *Charas* from accused Manoj. Investigation now stands completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR. He has been falsely implicated in this case on the basis of disclosure statement of the co-accused Manoj which cannot be considered to be admissible in evidence. No recovery has been effected from him. He is not required for further investigation. The trial will take considerable time to conclude as only 01 out of 23 prosecution witnesses has been examined so far. No useful purpose would be served by detaining him in custody anymore. Co-accused Gopal and Partap Singh @ Pardeep have been extended benefit of regular bail. Allegations against the present petitioner are lesser in gravity and hence, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has filed custody certificate of the petitioner. It is argued by him that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

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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.

8. The case of the prosecution is that the name of the petitioner was disclosed by the above-named co-accused Manoj, from whom recovery of commercial quantity of the contraband was 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. The petitioner was arrested on 18.09.2025. He is not shown to be involved in any other case. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time, particularly when most of the witnesses are yet to be

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examined. Co-accused Partap Singh @ Pardeep and Gopal have been granted concession of regular bail by this Court. The principle of parity also weighs in favour of the petitioner. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th May, 2026
Parveen Sharma

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