

2026 PHHC.072223



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-23363-2026

Date of decision: 8th May, 2026

Rishiraj @ Rishi Raj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Kotla, 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. 633 dated 30.09.2025 registered under Sections 15(c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') and Sections 318(4), 336(3), 338, 340(2), 238(3) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Samalkha, Panipat.

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

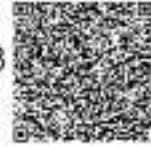
2026.PHHC.072223



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 the present petitioner, who had arranged the same from the co-accused. Co-accused Mohd Juned @ Juna and the present petitioner were nominated as such. The petitioner was arrested on 24.10.2025. He too suffered disclosure statement disclosing that he had got prepared fake documents of the aforementioned

2026.PHHC.072223



vehicle from the co-accused Mohd Juned @ Juna and had paid a sum of Rs.10,000/- to him. He was also arrested on the same day and suffered disclosure statement admitting his involvement in the crime. 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. There is no direct evidence to connect him with the crime. Co-accused Mohd. Juned @ Juna has been extended benefit of regular bail. On parity, he too deserves to be released on bail. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record custody certificate of the petitioner. It is submitted by him that keeping in view the gravity of the allegations as levelled against the petitioner and 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.

2026.PHHC.072223



Therefore, it is stressed that the petition does not deserve to be allowed.

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

8. 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 has been in custody since 24.10.2025. The rigors of Section 37 of NDPS Act are obviously not attracted against him. The involvement of the petitioner in other cases cannot be considered to be a reason for denying benefit of bail to him. Similarly situated co-accused has been extended benefit of bail. 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 object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. 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.

2026.PHHC.072223



9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion 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

8th May, 2026
Parveen Sharma

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