

2026:PHHC:079796



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

224

CRM-M No.27641 of 2026  
Date of Decision: 20.05.2026

Tek Ram ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Kumar Lathwal, Advocate,  
for the petitioner.

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

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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                                                                                                                       |
|---------|------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 498     | 20.12.2025 | Gannaur, District Sonipat (Haryana) | 20 (b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (29 of NDPS Act added later on) |

2. As per the allegations, on 20.12.2025, on the basis of a secret information to the effect that accused Ravi @ Baga accompanied by his accomplices was carrying charas with him and was going to pass through

2026:PHHC:079796



the area of Village Haldana, Panipat and to go towards Gannaur in a Wagon-R car bearing registration No.HR-26DZ-8695, a raiding party was formed which reached at GT Road service lane, Panipat area and laid a barricade. The aforementioned vehicle was seen coming from Haldana border side after sometime. A signal was given to the driver to stop the vehicle. There were three occupants of the vehicle. They were apprehended. On asking, they disclosed their names as Virendra @ Bholu, Ravi @ Baga and Akaash. On conducting search, 1 Kg. and 164 grams charas was recovered from the pocket of jacket of accused Ravi @ Baga which was taken into possession along with the aforementioned vehicle. The abovementioned accused were formally arrested. On interrogation, they suffered disclosure statements on the basis of which the present petitioner was nominated as an accused. He was arrested on 24.12.2025. Investigation now stands concluded.

3. 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 is in custody since 24.12.2025. No recovery has been effected from him. He is not required for further investigation. His antecedents are clean. 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.

4. Notice of motion.

5. Mr. Neeraj Poswal, AAG, Haryana has advance notice of the petition and is ready to argue the matter. He has placed on record custody

certificate of the petitioner and has submitted that taking into consideration

2026:PHHC:079796



the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

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 of NDPS Act must fulfill the conditions stipulated in Section 37 of the NDPS Act.

8. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused, from whom recovery of commercial quantity of contraband 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

2026:PHHC:079796



24.12.2025. Challan has been presented. The trial will take time. 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. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. 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 permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.
- (v) He shall also give details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then



- he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.
9. In the event of there being any FIR/complaint lodged against the 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.

20.05.2026  
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(MANISHA BATRA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |