

2026:PHHC:049272



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-40803-2025

Dharam Singh
...Petitioner
Versus
State of Haryana
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	25.03.2026
2	The date when the judgment is pronounced	30.03.2026
3	The date when the judgment is uploaded on the website	30.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

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. 44 dated 24.01.2025 registered under Sections 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short ‘NDPS Act’) (Sections 25, 27 and 29 of NDPS Act and Section 347(1) of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) added later on) at Police Station Kharkhoda, District Sonipat.

2. As per the allegations, on 24.01.2025, on receipt of a secret information to the effect that one Rakesh @ Jeldar, who was a habitual offender, was indulged in the sale of *ganja* and on that very day also, he was

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present near Rohana flyover with his Scorpio car and was intending to supply *ganja* to someone. Believing the secret information to be true, a raiding party was formed which rushed towards the informed place and apprehended the accused Rakesh @ Jeldar. On conducting search, 57 packets were found kept in the boot of his vehicle. On opening the same and on weighing the material kept therein, those packets were found to be containing 117 kg 57 grams of *ganja*. The accused failed to produce any licence or permit for retaining the same. He was formally arrested. He suffered disclosure statement on the basis of which the petitioner and the co-accused Ankit and Prabhat were nominated as additional accused. The accused Rakesh also disclosed that the *ganja* was procured from one Prabhat resident of Munigudda, Odisha and was transported in a Leyland vehicle belonging to the present petitioner and was later transferred into the Scorpio vehicle from which the same was recovered.

3. The petitioner was arrested on 27.01.2025. He too suffered disclosure statement admitting his involvement in the crime and also about the fact that by using a fake number plate on his Ashoka Leyland vehicle and in connivance with the co-accused Rakesh and Ankit, he procured *ganja* from the above said Prabhat from Odisha on multiple occasions for monetary consideration and the recovered contraband had also been transported in his vehicle and was later transferred into the Scorpio car in the area of Sonipat. He got recovered the Ashoka Leyland vehicle which was bearing a fake number plate. He also demarcated the location where accused Prabhat had supplied *ganja* to him at Munnigudda, Odisha. Subsequently, some other arrests were made. Investigation now stands completed.

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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 neither named by the secret informer nor in the FIR. No contraband has been recovered from him. A false story regarding use of his vehicle for bringing contraband from Odisha has been concocted without any basis. The disclosure statement allegedly suffered by him cannot be taken into consideration. He is in custody for a period of about 01 year and 02 months. No useful purpose would be served by detaining him in custody anymore. The trial will take considerable time to conclude. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. With these broad submissions, it is urged that he deserves to be released on bail.

5. *Per contra*, learned State counsel while relying upon the status report has vehemently argued that the active complicity of the petitioner in the commission of subject offences stands established. He was owner of Leyland vehicle bearing registration No. HR-63-E-0097. The travel history of Fast Tag of this vehicle reveals that this vehicle was registered with the mobile phone number in the name of the petitioner. Though the Fast Tag KYC documents were in the name of Narender Singh, who was previous owner of the vehicle, however, the said Narender Singh had given statement that he had sold the vehicle to the petitioner and the petitioner was using the same as a carrier in procuring and transporting *ganja*. The recovered contraband was also transported from Odisha till Sonipat on the same vehicle and this fact stands established from the Fast Tag history of the vehicle. It is, thus, argued that keeping in view the gravity of the allegations as levelled against the petitioner,

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6. This Court has heard 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 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 is alleged to have been involved in transportation of *ganja* from Odisha to the State of Haryana on a Ashoka Leyland vehicle. As per the allegations, this very vehicle was used for transportation of recovered *ganja* as well. During the course of investigation, evidence has been collected to show that the fast tag ID recovered from his vehicle was registered with the mobile phone of the petitioner. The travel history of the fast tag is also alleged to have confirmed that the said vehicle travelled to Odisha during the relevant period and returned on 22.01.2025. The documents of Fast tag

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stated that he has sold his vehicle to the petitioner. Though the allegations prima facie make out a case for commission of aforementioned offences as against the petitioner, however, no contraband has been recovered from his conscious possession. His nomination was on the basis of disclosure statement of the co-accused, veracity of which is to be tested during the course of trial. The petitioner has been in custody since 27.01.2025. Trial will take time to conclude. Though he is shown to be involved in other cases but no case under the provisions of NDPS Act has been registered against him. Investigation has been completed and challan has been filed. 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 decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th March, 2026

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No