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CRM-M-43117-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRM-M-43117-2025 (O&M)
Date of decision : 21.01.2026

UMESH @ SURESH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Himani Anand, Advocate for the petitioner

Ms. Himani Arora, AAG, Haryana

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.365 dated 16.10.2023 registered under Sections 15(C) of Narcotics Drugs and Psychotropic Substances Act (for short "NDPS") (Section 29 of NDPS added later on) at Police Station Pehowa, District Kurukshetra.

2. As per the allegations, on 15.10.2023, on receipt of a secret information the accused-Khushwinder Singh alias Khushi and Sandeep Singh alias Pappu were apprehended and 71 Kg of poppy husk was recovered from their conscious possession. They were formally arrested. The recovered contraband was taken into custody. The accused-Khushwinder Singh @ Khushi suffered disclosure statement admitting

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his involvement in the crime and also took the name of the petitioner, who was the supplier of 26 Kg poppy husk. As such the petitioner was nominated as additional accused. He was arrested on 08.07.2025 and is in custody since then. Now the investigation 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 the disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him. He is in custody since long. He is not required for further investigation. The trial will take considerable time to conclude as none out of the 33 witnesses has been examined so far. He is on bail in other cases registered against him. It is, thus, argued that he deserves to be released on bail.

4. Custody certificate has been filed today. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

5. This Court has heard the rival submissions made by counsels for the parties at considerable length.

6. The petitioner is alleged to have supplied 26 kg of poppy husk to the co-accused. The name of the petitioner was disclosed by the co-accused. As per his disclosure statement, he had sourced the contraband from the petitioner. 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

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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 08.07.2025. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed. Conclusion of trial would take considerable time as none out of the 33 witnesses has been examined so far. Main accused and the co-accused have already been granted concession of bail by this Court. 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. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice the trial in any manner, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and 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) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.



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(iii) The petitioner shall appear before each and every date of hearing.

(iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

(vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

7. 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.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

21.01.2026
Amit Sharma

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