



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-50672-2025.

Date of Decision: 07.04.2026.

Rakesh

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Parveen Kumar, Additional Advocate General, Haryana.

SANJAY VASHISTH, J. (Oral)

Petitioner-Rakesh, aged 32 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 39 dated 14.02.2025, registered under Sections 22(C), 29 of NDPS Act (added later on), at Police Station Civil Line, District Sonapat (Haryana).

2. Recording somewhat substance in the submissions made by learned counsel for the petitioner, the following order was passed by this Court on 09.12.2025:-

“1. Petitioner- Rakesh, aged 32 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 39 dated

14.02.2025, registered under Sections 22(C), 29 of NDPS Act (added later on), at Police Station Civil Line, District Sonipat (Haryana).

2. The case of prosecution is that 1000 bottles of Onrex Codeine Phosphate Triprolidine Hydrochloride Syrup (100 ml. each) were recovered from co-accused Sunny. Subsequent to the arrest of the said accused Sunny, the prosecution has built up its case by levelling allegation through disclosure statement of Sunny that it is the petitioner, who supplied him the bottles of Onrex Codeine Phosphate Triprolidine Hydrochloride Syrup.

3. Learned counsel for the petitioner places relies upon the license issued by the Government of NCT of Delhi, where the petitioner is running his business in the name of Om Traders, through its proprietor Rakesh (petitioner herein). Licence is issued on 25.06.2024, which is valid uptill 24.06.2029. Counsel further, relies upon, three purchase bills dated 27.07.2024, whereby petitioner's firm M/s Om Traders had purchased the syrup in question from one Shri Shanti Nath Enterprises, 69/6A (Part), G.F. Rama Road, Industrial Area, Najafgarh Road, New Delhi, against a total sum of Rs. 9,01,387/- (inclusive GST). Counsel further submits that, vide another GST invoice, petitioner's firm sold the Onrex syrup in question to one NTS Trading Company, which is also situated in Delhi on 28.07.2024. Two other similar bills are also relied upon by the counsel for petitioner.

4. However, in the status report filed by the State, there is complete silence to the case built up by the petitioner, therefore, the concerned Commissioner of Police, Sonipat is directed to examine the issue himself, and then to issue necessary direction to get an affidavit filed from some responsible officer, explaining the position as put up by the petitioner's counsel.

5. List again on 14.01.2026.”

3. Today, in response to the afore-mentioned reproduced directions,

learned State counsel, on instructions from SI Daljeet Singh, submits that now as per the latest verification done by the Investigating Officer, he finds that petitioner-Rakesh and recipient of the 1000 bottles of Onrex Codeine Phosphate Triprolidine Hydrochloride Syrup (100 ml. each), both were having a valid licence entitling them to deliver and receive it.

4. Noticing the case of prosecution, submissions of learned counsel for the petitioner and the clarification given today by learned State counsel on instructions from SI Daljeet Singh, makes it amply clear that petitioner has been victimized by involving him in a false case. Be that as it may, this opinion is only on *prima facie* basis and not conclusive one. Therefore, this Court has no hesitation to allow the instant petition. Accordingly, without expressing any opinion on the merits of the case, **present petition is allowed.** Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

4. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

5. Petition stands disposed of.

6. However, before parting with the order, the concerned Superintendent of Police would be forwarded with the copy of this order to examine the truth in the matter and to proceed legally, if so actually warranted. If the concerned Superintendent of Police comes to conclusion that

petitioner is involved falsely in the present case, what are the reasons and if someone has done mischief or has done irresponsible act, appropriate action be taken against such official.

(SANJAY VASHISTH)
JUDGE

07.04.2026
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No