

2026 PHHC 053422



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-56992-2025

Date of decision: 7th April, 2026

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Verma, Advocate for the petitioner.

Ms. Himani Arora, Deputy 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. 366 dated 28.11.2024 registered under Sections 15(c), 29 and 31 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') at Police Station Kalayat, District Kaithal.

2. As per the allegations, on 25.11.2024, the accused Armaan @ Mandeep and Sachin were apprehended and 44 kgs 680 grams of poppy husk was recovered from the car of which they were the occupants. The accused Armaan @ Mandeep suffered a disclosure statement on 27.11.2024 to the effect that he along with his partner Sonu i.e. the present petitioner, had ordered 02 quintals of poppy husk from Madhya Pradesh. 44 kgs 680 grams

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of poppy husk was recovered from him, whereas remaining contraband was lying in the house of the petitioner. In pursuance of his disclosure, the police party had gone to the house of the present petitioner who was apprehended. Recovery of 165 kgs 545 grams of poppy husk was effected from his house. A separate case bearing FIR No. 366 was registered against the petitioner. He was arrested in case bearing FIR No. 361 and was subsequently arrested in this case on 02.01.2025. 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 Armaan which cannot be considered to be admissible in evidence. A false recovery has been planted upon him. He had no concern with Armaan@Mandeep and Sachin, the accused in FIR No. 361. Once he was nominated by the co-accused in FIR No. 361, a separate case could not be registered against him. Both the acts as allegedly committed by him from part of the same transaction and therefore, second FIR could not be registered, whereas, it is a case of registration of multiple FIRs. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. He has been extended benefit of bail in case bearing FIR No. 361 and is also entitled to be extended benefit of bail in this case as well. It is, hence, argued that the petition deserves to be allowed. To buttress his arguments, learned counsel for the petitioner has placed reliance upon authorities cited as *Amitbhai Anilchandra Shah vs. The Central Bureau of Investigation and another, 2013 AIR (SC) (Cri) 1169* and

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T.T. Antony vs. State of Kerala, 2001 CrL L.R. (SC) 633.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. He was nominated as an accused in case bearing FIR No. 361 on the basis of disclosure statement of the co-accused. However, this case was registered against him on account of recovery of commercial quantity of contraband from his conscious possession. The call detail record between the petitioner and co-accused Armaan @ Mandeep reveals that they were in close contact with each other and involved in the business of sale and purchase of contraband. There are chances of petitioner's absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. The petitioner was initially nominated as accused in case bearing FIR No. 361 on the basis of disclosure statement of the co-accused Armaan to the effect that he was a partner of the petitioner and that some poppy husk was lying concealed in his house. Then on 28.11.2024, this case was registered against the petitioner on the allegations that commercial quantity of contraband had been recovered from him. The petitioner in this manner has been arrested in two cases. It is debatable question as to whether, the recovery effected in case bearing FIR No. 361 can be considered to be a recovery of this case as well. It is only on thorough assessment of the evidence to be produced during trial that any definite conclusion can be drawn to this fact. It

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is a case of registration of multiple FIRs and nomination of the petitioner on the basis disclosure statement. In *Antony’s case (supra)*, the Hon’ble Supreme Court had observed that the second FIR cannot be registered on receipt of subsequent information regarding the same incident. In *Amitbhai’s case (supra)*, it was observed that a second FIR with regard to acts forming part of same transaction as narrated in the first FIR, is not permissible and such FIR is violation of fundamental rights. The petitioner has been in custody for a period of over 01 year and 04 months. The chances of conclusion of trial in near future are bleak as none out of 32 prosecution witnesses has been examined so far. No useful purpose would be served by continue detention of the petitioner. Taking into consideration the above discussed facts, this court is of the considered opinion that the petitioner had made out a case for 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 Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

7th April, 2026

Parveen Sharma

- 1. Whether speaking/ reasoned
- 2. Whether reportable

: Yes / No
: Yes / No