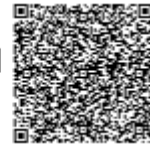


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:041571



131

CRM-M-58411-2025 (O&M)
Date of decision: 17.03.2026

Dushyant

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Khari, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.73, dated 10.05.2024, registered under Sections 22(B), 22(C), 27 and 29 of the NDPS Act, at Police Station Sadar Panipat, District Panipat.

2. As per the allegations, on 10.05.2024, a secret information was received by a police party to the effect that Rajpal R/o Village Ganjbad, District Panipat, was indulged in sale of narcotic injections from his residential house and could be apprehended with such injections, if a raid was conducted. Believing the secret information to be true, a raiding party was immediately formed, which rushed towards the informed place after sending a *ruqa*. Accused Rajpal was found standing in front of his house. On

noticing the police officials, he started walking fast in the street. He was apprehended. On conducting search of his house, two cartons were found kept in the fodder room and 500 injections of Buprenorphina, 1400 injections of Pentazocine Ozatcel and 1600 injections of Pentazocine Peplin (totalling 3500 injections) were found kept in those boxes which were taken into custody. Accused Rajpal was formally arrested.

3. As per the further allegations, on interrogation, accused Rajpal suffered a disclosure statement to the effect that he had brought the injections from the present petitioner and had sold 20 injections out of the same to one Yudhvair, a co-villager. The petitioner and the above said Yudhvair were nominated as accused. The petitioner was found to be lodged in jail in connection with another FIR bearing No.296, dated 14.05.2024, registered at Police Station Sector-29, Panipat as 2400 prohibited injections were recovered from his conscious possession. He was joined into investigation of this case as on 01.06.2025 and was formally arrested. On interrogation, he suffered disclosure statement admitting his involvement in the crime and also disclosed that he had purchased the injections from one Amit. He got recovered an amount of Rs.5000/-. Subsequently, some other persons were also nominated as accused. Investigation qua the petitioner stands concluded.

4. 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 co-accused, which cannot be considered to be admissible in evidence. No contraband has been recovered from him in this case. Recovery of an amount of Rs.5000/- has been falsely planted upon him. The same even

otherwise does not connect him with the allegations as levelled in this case. He is in custody for a period of 01 year and 09 months. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that he deserved to extended benefit of bail.

5. Per contra, learned State counsel while relying upon the status report has vehemently argued that the allegations against the petitioner are serious in nature. The bank account statement of the petitioner and co-accused Rajpal have been collected, which show that transactions of money had taken place between them on various occasions. Moreso, the call detail records of their cell phones had also been obtained which showed that they were in active contact with each other and their complicity in the crime stands established from this very fact. It is also submitted that the petitioner has criminal antecedents as he has been involved in several other cases including one case under the NDPS Act. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, thus, argued that the petitioner does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have supplied 3500 prohibited injections to co-accused Rajpal. However, no contraband has been recovered at his instance. The respondent/State has placed on record certain documents to show that there was exchange of calls between the petitioner and co-

accused. However, the transcript of those calls is not part of the record. Certain documents to show that the money was exchanged between the petitioner and co-accused are also made part of the record. However, it is only a matter of trial and it is on thorough assessment of the evidence to be produced during trial that any conclusion as to nature of these transactions can be drawn. The petitioner was nominated on the basis of disclosure statement of co-accused. No recovery has been effected from him. 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 of contraband was effected from the petitioner. The trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since long. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor be preventive. The deprivation of liberty has been considered as a punishment. As such, Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his

furnishing personal as well as 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 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 switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

9. 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.
10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

17.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE