



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(229)

CRM-M-61794-2025

DATE OF DECISION: 16.02.2026

Rakesh @ Kaku

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Som Nath Saini, Advocate, for the petitioner.
Mr. Surender Singh Pannu, Addl. AG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. By way of present petition, petitioner is seeking regular bail in case FIR No.153 dated 09.04.2025, under Section 20 (b) (ii) of the NDPS Act, 1985, registered at Police Station Sadar Bhiwani, District Bhiwani.

2. Learned counsel for the petitioner contended that the petitioner is nominated in the present case on the basis of disclosure statement of the co-accused and except the disclosure statement, there is no evidence connecting him with the commission of the alleged offence; co-accused who are apprehended with contraband have already been released on bail by this Court vide order dated 01.12.2025, passed in CRM-M-44811-2025 and order dated 19.01.2026, passed in CRM-M-61331-2025; investigation has already been completed in this matter; petitioner is in custody for the last eight months; trial will take sufficient time to conclude, therefore, prayer for grant of regular bail is made.

3. On the other hand, Mr. Surender Singh Pannu, Addl. AG, Haryana, appeared on behalf of State and filed Custody certificate of the petitioner in Court today, same is taken on record. Learned counsel



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submitted that present petitioner is a habitual offender and is involved in four cases, out of which three cases are under NDPS Act, however, it is admitted that no contraband was recovered from his possession and he was nominated in this case, only on the basis of disclosure statement suffered by the co-accused.

4. Heard.

5. Keeping in view the facts and circumstances of the present case as nothing is recovered from the possession of the present petitioner; he was nominated in the present case on the disclosure statement of the co-accused; co-accused from whose possession contraband recovered have already been granted bail by this Court; present petitioner is in custody for the last eight months; investigation has already been concluded; the case is fixed for prosecution evidence; the witnesses are police officials, and there is no apprehension that, after release, he will tamper with the prosecution evidence; alleged contraband recovered from the co-accused fall under *non commercial quantity*; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari v. State of U.P and anr. 2020(1) RCR**

(Criminal) 831 and **Maulana Amir Rashadi v.State of U.P and others**

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2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be an expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

16.02.2026

mamta

(SUBHAS MEHLA)

JUDGE

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