



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-66724-2025 (O&M)

Tara Chand ...Petitioner

Versus

State of Haryana ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	12.01.2026
2	The date when the judgment is pronounced	16.02.2026
3	The date when the judgment is uploaded on the website	16.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vinod Ghai, Senior Advocate with
Ms. Kashish Saini, Advocate,
Mr. Jeevanjot Singh Kang, Advocate and
Mr. Sukrit Chadha, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in
FIR No. 157 dated 04.07.2025, registered under Section 20(c) of the Narcotic
Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Section
29 of the NDPS Act added later on] at Police Station Mundkati, District
Palwal.

2. Brief facts of the case relevant for the disposal of the present
petition are that on 04.07.2025, a secret information was received by ASI

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Veerpal to the effect that a vehicle bearing registration number HR-51-BL-4584, make Swift, was parked on the main Agra-Delhi road near village Sevali and two persons were sitting inside. It was also informed that the vehicle might be carrying some narcotic substance and if a raid is conducted, the same could be recovered. Believing the information to be true, the police party reached at the informed place and found that the said car was parked there and two persons were sitting inside the car. On enquiry, they disclosed their names as 'Sunil Kumar' and 'Kalicharan'. While following the usual formalities, the search of the said persons as well as car was conducted. Two sacks were recovered from the boot of the car, which were found to be containing 21 kgs. 740 grams of Ganja. Since the aforesaid persons could not produce any valid license or permit to keep in their possession the recovered contraband, they were initially arrested at the spot. However, during the course of investigation, no incriminating evidence was found against the aforementioned persons showing their involvement in the subject crime. Accordingly, they were declared innocent and were not arrested.

3. The above named persons were produced before the jurisdictional Magistrate and their statements were recorded under Section 183 of BNSS, wherein he disclosed that one Deepak had called them to Nandgaon at near Yadram Chaudhary, Hodal by making a phone call. When he along with Kalicharan reached there, said Deepak took them to Mundkati in a vehicle driven by him on the pretext that he had some work there. After reaching at the said place, Deepak ran away from the vehicle and they remained sitting in the car, being totally unknown as to what was kept in the car. Thereafter, the police reached there and contraband had been recovered from the said car. On the

basis of the same, Deepak was nominated as accused in the case and was

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arrested on 14.07.2025. He suffered disclosure statement admitting his involvement in the subject crime. He also disclosed that he along with the present petitioner had hatched a conspiracy to falsely implicate Sunil Kumar and Kalicharan in a false case and for that purpose, the petitioner had given him an amount of Rs.2 Lakhs to him and co-accused Omi @ Om Parkash to purchase *Ganja*. The petitioner was accordingly nominated in this case and was arrested on 14.07.2025. The petitioner also suffered disclosure statement admitting his involvement in the subject crime and that since he had enmity with Sunil Kumar and Kalicharan due to some land dispute, he had hatched a conspiracy with the co-accused to implicate them falsely in a case under the NDPS Act. Investigation qua the petitioner and co-accused Deepak stands completed and challan qua them has been filed. Co-accused Omi @ On Parkash is still absconding.

4. It is argued by learned senior counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused Deepak, which cannot be considered to be admissible in evidence. The petitioner was neither named in the secret information nor was found at the spot. No recovery has been effected from him. He is not even the registered owner of the said car. The FIR was initially registered only against Sunil Kumar and Kalicharan, who were allegedly apprehended by the investigating agency with recovery of 21 kg 740 gms of *Ganja*. However, the investigating agency declared both the said accused, who were allegedly caught red-handed, to be innocent within a few hours of their apprehension and converted them into prosecution witnesses. The same was done with a view to shield the real culprits and to falsely implicate the petitioner as a scapegoat in the present case. It is also significant that that even

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in the disclosure statements of Sunil and Kalicharan, the name of the petitioner did not surface and only co-accused Deepak was named. The story regarding some land dispute has been purely concocted. There is nothing on record to connect the petitioner with the co-accused Deepak or to show that he had given him any amount of money to falsely implicate the aforesaid persons. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take time as there are total 28 cited prosecution witnesses and even charges have not been framed so far. The petitioner is not involved in any other case of similar nature. He is in custody since 14.07.2025. His continued detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

5. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that the petitioner is involved in a serious offence under the NDPS Act involving commercial quantity of contraband. It is argued that the investigation has revealed a criminal conspiracy, in which the petitioner, in connivance with co-accused Deepak and others, had orchestrated the entire episode with intent to falsely implicate Sunil Kumar and Kalicharan. The involvement of the petitioner has surfaced during investigation through the disclosure statement of co-accused Deepak, which is duly corroborated by subsequent investigative material collected by the police. He is a habitual offender as several other criminal cases are pending against him. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

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7. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The allegation against the petitioner is that he, in conspiracy with co-accused Deepak and others, arranged for procurement of contraband and financed the transaction with the object of falsely implicating Sunil Kumar and Kalicharan in an NDPS case. His involvement is solely based on the disclosure statement of co-accused Deepak. His name did not figure in the secret information. He was not even present at the spot and no recovery of any contraband has been effected from him. At this stage, there is nothing on record to show that as to how he was connected with co-accused Deepak or had given him any amount of money to buy contraband and then implicated aforesaid persons in a false case. Moreso, the persons from whom the commercial quantity of the contraband was allegedly recovered have been declared innocent during investigation within a very short span of time.

Investigation has already been completed and the challan has been presented.

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The petitioner has been in custody since 14.07.2025, while the trial is still at a nascent stage, with a large number of prosecution witnesses yet to be examined as even charges have not been framed so far. He is not shown to be involved in any other case of similar nature.

8. 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, the facts noted above cannot be ignored. 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. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.02.2026

*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*