



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-72659-2025

Date of decision: 20th February, 2026

Rohit Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., 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. 118 dated 03.09.2025 registered under Sections 22(c) and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Sector 9, Ambala City, District Ambala, Haryana.

2. As per the allegations, on 03.09.2025, a secret information was received to the effect that the accused Joginder Kumar was involved in the business of sale of narcotic substances and on that point of time, he was going from his village Saunda, towards Sector 8, Ambala City, while carrying huge quantity of narcotic with him with intent to sell the same and could be

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apprehended. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place and apprehended the accused Joginder Kumar @ Master Ji. On conducting search, 34 strips of Proxiohm Spas and 280 open capsules were recovered from his conscious possession which were taken into possession by the police officials. The accused was formally arrested. On interrogation, he suffered disclosure statement to the effect that he had purchased the capsules from Vijay Kumar, who was nominated as an additional accused. He was arrested and on interrogation, accused Vijay Kumar disclosed that he had purchased capsules from accused Sachin Mishra @ Vishal. Sachin Mishra was also nominated as an accused and on his disclosure statement, the present petitioner was nominated as accused. He was arrested on 09.09.2025 and on interrogation, disclosed that he had procured the intoxicating capsules from the co-accused Vinay Oberoi @ Bunty. Subsequently, accused Vinay Oberoi and Rajat Gogia were also arrested. 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 Sachin Mishra @ Vishal, which cannot be considered to be admissible in evidence. He has clean antecedents. He is not required for further investigation. Trial will take considerable time to conclude. The rigors of Section 37 of NDPS Act are not attracted qua him. No useful purpose would be served by detaining him in custody anymore. Co-accused Vinay Oberoi @ Bunty and Rajat Gogia have been extended benefit of bail. On parity, he too

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deserves to be extended the same benefit. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Learned State counsel on the other hand while relying upon the status report had argued that the allegations against the petitioner are serious in nature as he was an important link in the chain involved in the supply/sale of contraband. There are chances of his 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 learned counsel for the parties at considerable length.

6. The petitioner is alleged to have supplied contraband which was ultimately recovered from the co-accused Joginder Kumar. He is in custody since 09.09.2025. He has been linked with the case on disclosure of co-accused. 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 was ever effected from the petitioner. 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 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

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punitive nor preventive and the deprivation of liberty has been considered as a punishment. 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 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 to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove

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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.

[MANISHA BATRA]
JUDGE

20th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |