

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:045680



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CRM-M-70371-2025 (O&M)
Date of decision:23.03.2026

Tasleem @ Monu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. AVS Parmar, Advocate for
Mr. S.K. Aggarwal, Advocate and
Mr. Nissim Aggarwal, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, 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.254, dated 18.06.2024, registered under Sections 22(c) and 29 of the NDPS Act, at Police Station Gandhi Nagar, Yamuna Nagar, District Yamuan Nagar.

2. As per the allegations, on 18.06.2024, on receipt of a secret information to the effect that accused Deepak @ Teeshu was engaged in the business of sale of narcotic capsules and even on that very day, he was present outside his house for the purpose of supplying intoxicating capsules to some of his customers and could be apprehended, a raiding party was immediately formed, which reached at the informed place and apprehended

accused Deepak @ Teeshu. He was carrying a polythene bag. On checking the same, 480 capsules of Tramadol Hydrochloride were recovered from his conscious possession which were taken into custody by the police. Accused Deepak @ Teeshu was formally arrested.

3. As per the further allegations, on interrogation, accused Deepak @ Teeshu suffered disclosure statement to the effect that the recovered capsules had been supplied to him by the present petitioner. The petitioner was nominated as accused and was arrested on 06.09.2024. He too suffered disclosure statement admitting his involvement in the crime. On his disclosure, accused Nawab Ahmad was nominated as accused. Investigation now stands completed.

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. He is in custody since long. No recovery has been effected at his instance. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. The trial would take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be extended the benefit of bail.

5. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature. The call details record of the mobile phone of the petitioner and co-accused Deepak @ Teeshu and Nawab Ahmad had been collected and the same shows that there was exchange of several calls between the petitioner and co-accused Deepak @ Teeshu and Nawab Ahmad respectively, showing his complicity in the

subject crime. The trial is going at a proper pace. The petitioner is a habitual offender being involved in one more case of similar nature. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, 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 intoxicating capsules to co-accused. There are allegations of exchange of calls between the petitioner and co-accused. However, in the absence of any transcript thereof at this stage, no conclusion can be drawn that these calls were exchanged for the purpose of sale of intoxicating capsules. He has been nominated on the basis of disclosure statement of the co-accused. No recovery has been effected at his instance. 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 effected from the petitioner. The petitioner is in custody since long. The trial of this case, apparently and evidently is shown to have been delayed as no prosecution witness has been examined so far. As such, 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. 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.

23.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE