

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:007606



244

CRM-M-71056-2025 (O&M)
Date of decision:20.01.2026

Rajat Gogia

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. HPS Ishar, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. 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 arising out of FIR No.118, dated 03.09.2025, registered under Sections 22(c) and 29 of the NDPS Act, at Police Station Sector-9, Ambala City, District Ambala.

2. As per the allegations, on 03.09.2025, on the basis of secret information to the effect that accused Joginder Kumar was engaged in the business of sale of narcotic substances and could be apprehended with a large quantity thereof, if a raid was conducted. A raiding party was formed, which reached at the informed place and apprehended accused Joginder Kumar, from whom 552 capsules of Tramadol salt, weighing 378 grams was recovered. The same were taken into custody. He was formally arrested.

3. As per the further allegations, on interrogation, accused Joginder Kumar suffered disclosure statement to the effect that he purchased the contraband from co-accused Vijay Kumar, who on arrest and in pursuance of his disclosure statement nominated Sachin Mishra @ Vishal as an additional accused. On arrest, accused Sachin Mishra @ Vishal had further disclosed some more names. Co-accused Vinay Obroi @ Bunty on his arrest, disclosed that he had procured the contraband from the present petitioner. The petitioner was nominated as an additional accused. He was arrested on 19.09.2025. He too suffered disclosure statement to the effect that he had procured the capsules from Himanshu Mishra. Investigation qua him 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. No recovery has been effected from him. Rigors of Section 37 of the NDPS Act are not attracted qua him. He is in custody since long. Trial will take considerable time to conclude. He is on bail in other cases as registered against him. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that he deserves to be released on bail.

5. While placing on record status report, learned State counsel has argued that there are serious allegations against the petitioner as he was a main link in the chain involved in the supply/sale of contraband. There are chances of the petitioner's absconding or committing similar offences, if

extended benefit of bail. It is, therefore, stressed that he does not deserve to be released on bail.

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

7. The petitioner is alleged to have supplied the contraband, which was ultimately recovered from accused Joginder Kumar. He is in custody since 19.09.2025. Rigors of Section 37 of the NDPS Act are not attracted in this case. 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 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 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 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.

20.01.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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