

2026.PHHC.018180



CRM-M-72216-2025

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

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CRM-M-72216-2025 (O & M)

Date of decision: 06.02.2026

TARUN KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sumit Sangwan, Advocate,
for the petitioner.

Mr. Gautam Kaile, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.0121 dated 05.06.2025, registered under Section 21(c) of NDPS Act (subsequently during investigation Section 29 NDPS Act, 1985 was added), at Police Station Industrial Area, Bhiwani, District Bhiwani.

2. Learned counsel contends that the petitioner has been in custody for about 2½ months. He alleges false implication. His name surfaced based on the third disclosure statement of co-accused Manoj Kumar, who himself had been implicated on the second disclosure statement of co-accused Vikas, and stands granted bail by this Court, vide order dated 06.11.2025, Annexure P-3. The alleged recovery of contraband has been effected from co-accused, Arun who is in custody.

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There is no recovery from the petitioner. He is involved in one more case wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are specific allegations levelled against the petitioner by his co-accused of having provided the contraband to him. However, he is unable to controvert the submissions made; co-accused having been enlarged on bail and the petitioner being on bail in other case.

4. Heard.

5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

6. Co-ordinate Bench of this Court in **Kuldeep Singh @ Ghadi vs. State of Punjab**, CRM-M-53731-2025, granted bail on 26.09.2025 to the petitioner, who had been implicated based on the disclosure statement of co-accused and released on bail after being in custody of less than 2 months having been arrested on 01.08.2025, being Ist offender and report under Section 173(2) Cr.P.C. was yet to be presented by relying on **State of Haryana vs. Samarth Kumar**, 2022(3) R.C.R. (Criminal) 991,

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wherein it has held that the case of **Tofan Singh vs. State of Tamil Nadu**, (2021) 4 SCC 1, would be applicable at the time of regular bail or at the time of final hearing.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for about 2½ months; on bail in other case; co-accused is on bail and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.

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(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

06.02.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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