



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

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CRM-M-40304-2025
Decided on : 20.08.2025

Santosh Yadav . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sauhard Singh, Advocate
for the petitioner(s).

Mr. PK Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

| Name of Petitioner(s) | FIR No. | Date | Section(s) | Police Station | District |
|-----------------------|---------|------------|--|----------------|-------------|
| Santosh Yadav | 13 | 11.01.2025 | 15C of NDPS Act, 1985 [S. 29, 29(1) added later on] | Sadar Pehowa | Kurukshetra |

2. Learned counsel for the petitioner contends that recovery of 101 kg 87 grams of poppy-husk was effected from co-accused Gursewak Singh while carrying goods in his truck bearing registration No. PB23-T-4945. The FIR was registered on the basis of secret information prior to the actual recovery. Name of the petitioner did not figure in the FIR and he was subsequently implicated only on the basis of the disclosure statement of the co-accused.

3. It is further submitted that apart from the said disclosure



statement, which in isolation is inadmissible in law and cannot be treated as substantive evidence, there is no other material/evidence on record to substantiate the allegation against the petitioner and his involvement. Petitioner is there in custody since 27.03.2025, and even trial is yet to commence. Further submits that statements of prosecution witnesses have yet to be recorded. Continued incarceration of the petitioner in such circumstances, is not going to serve any useful purpose. Thus, prays for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State Counsel has, however, vehemently opposed the prayer for bail, submitting that recovery of a huge commercial quantity has been effected in this case and that in the disclosure statement petitioner is named specifically; and that the allegations are serious in nature attracting the rigours of Section 37 of the NDPS Act.

It is also argued that the offences under the NDPS Act have serious social ramifications and releasing the petitioner at this stage may send a wrong signal to the people at large in the society. It is further urged that investigation is still at a crucial stage and, therefore, the petitioner's release on bail may hamper the fair progress of trial.

5. Having considered the rival submissions and while perusing the record, this Court, *prima facie*, finds that no recovery has been effected from the petitioner and that his implication rests solely on the basis of the disclosure statement of a co-accused, which, in isolation, is not a substantive evidence, rather, is inadmissible in law. Thus, at this stage, there are reasonable grounds for assuming that might be petitioner is innocent, until the charges are proved by the prosecution by leading evidence before the



trial Court.

Therefore, considering the totality of circumstances, and the nature of allegations leveled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 20, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No