



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-15038-2025
Decided on : 25.03.2025

Dharambir . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Kotla, Advocate
for the petitioner(s).

Ms. Mayuri Lakhanpal, 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Dharambir	33	13.01.2025	20(c), 61-85/29 of NDPS Act	Samalkha	Panipat

2. Learned counsel for the petitioner submits that there is recovery of 12 Buprenorphina Leegesic (2 ml each) injections from the possession of main accused – Sandeep. Subsequently, said accused – Sandeep gave a disclosure statement, naming Dharambir (petitioner herein), and thereupon, another disclosure statement is shown to be recorded of the petitioner, whereby, accused – Pardeep Kumar Tomar @ Pradeep Kumar Tomar, involved in the case as an accused.

This way, the allegations levelled are that main accused –



Sandeep, had received 12 Buprenorphina Leegesic (2 ml each) injections, from the petitioner, and as per the disclosure statement of the petitioner, he also received the same from co-accused – Pardeep Kumar Tomar @ Pradeep Kumar Tomar.

3. Learned counsel for the petitioner argues that chances of succeeding of the prosecution, solely upon the inadmissible evidence, i.e., disclosure statement of co-accused, are almost ‘nil’, as there is no other supportive evidence with the prosecution despite petitioner having been subjected to the custodial interrogation. Counsel further submits that petitioner is inside custody since 13.01.2025, and his further incarceration is not required for any meaningful purpose by the prosecution. Besides, petitioner has clean antecedents, as there is no other case against the petitioner.

In addition, learned counsel also submits that one of the co-accused i.e. Pardeep Kumar Tomar @ Pradeep Kumar Tomar (who is on the similar footings), has been granted concession of regular bail by this Court vide order dated 07.03.2025, passed in CRM-M-11695-2025, titled as, “Pardeep Kumar Tomar @ Pradeep Kumar Tomar v. State of Haryana”. Therefore, claiming parity, learned counsel prays for grant of concession of regular bail to the petitioner.

4. On advance notice, learned State counsel puts in appearance and submits that petitioner being the supplier of the injections, which ultimately were recovered from co-accused namely; Sandeep, is connected with the crime, therefore, petitioner does not deserve any leniency and prays for dismissal of the present petition.



5. I have heard learned counsel for the parties and gone through the record with their able assistance.

6. After hearing the learned counsel for both parties and carefully perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by the learned counsel for the petitioner. Furthermore, as the trial is yet to commence and its conclusion is likely to take considerable time, the Court deems it appropriate to consider all aspects of the matter. Apparently, petitioner's name has surfaced in the case, solely on the basis of disclosure statement of a co-accused, placing a significant burden on the prosecution to establish the petitioner's involvement in the alleged crime.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the petitioner.

8. 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.

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

10. The observation made here-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.



11. It is further made clear that if, in future, petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

12. **Petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

March 25, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No