

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:124022



CRM-M-15869-2025 (O&M)
Date of decision:10.09.2025

Rajesh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.168, dated 05.03.2023, under Sections 21(c) of the NDPS Act, Sections 17, 17(a), 17(b), 18A, 18(a)(i), 18(c), 27(b)(ii), 27(c) and 28 of the Drugs and Cosmetics Act and Sections 420, 467, 468, 471 IPC, registered at Police Station Camp Palwal, District Palwal. His previous petition bearing CRM-M-51467-2024 had been dismissed as withdrawn vide order dated 12.12.2024.

2. As per the allegations, on 04.03.2023, a secret information was received that the present petitioner along with one Pankaj had set up a factory on the first floor of a house situated at Khayali Enclave Area, wherein they were manufacturing narcotic drugs specifically 'Corex Syrup'. Believing the information to be reliable, information under Section 42 of the

NDPS Act was immediately sent to the police station. A raiding party was formed which reached at the informed place and found two persons while engaged in manufacturing and packaging of narcotic cough syrup 'Onerex' in a tin shed. On asking, they disclosed their names as Rajesh Kumar and Pankaj Singla. They could not produce any license for manufacturing or sale of narcotics. 2850 bottles of 'Onerex Syrup' containing 'Codein Phosphate', 14.25 kgs of bulk syrup, empty bottles, caps, labels and some medicine used in the production process were seized and taken into custody. The petitioner and co-accused also could not provide any license for drug manufacturing activities. The aforementioned FIR was registered. They were formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 05.03.2023. The mandatory provisions of the NDPS Act had not been complied with. The trial is going at the snail's pace as no witness has been examined so far. He has clean antecedents. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. Co-accused, Iqbal Singh has since been extended the benefit of bail. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. Learned State counsel has argued that the allegations against the petitioner are serious in nature. Huge quantity of bottles containing 'Onerex cough Syrup' has been recovered from the petitioner and the co-accused. There are chances of the petitioner's absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

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

6. The petitioner has been in custody since 05.03.2023. Out of 26 prosecution witnesses, none has been examined so far. The trial is obviously delayed and there is no likelihood of the same to conclude in near future. It is well settled proposition that prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of Constitution of India. Due to delay in trial and keeping in view the above discussed facts, this Court is of the considered opinion that no useful purpose would be served by keeping him in custody anymore. 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 trial Court/Duty Magistrate/CJM concerned.

7. It is clarified that if the petitioner misuses the concession of bail granted by this Court, his bail shall stand cancelled.

8. It is, further clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.09.2025

harjeet

(MANISHA BATRA)
JUDGE

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