CNR No: PHHC011035382026
2026:PHHC:112067

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(220) **CRM-M-34752-2026 (O&M)**
Date of Decision:**17.08.2026**

Amandeep @ Khalnayak

… Petitioner

Versus

State of Haryana

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Aditya Sanghi, Advocate and
Mr. Rajiv Goel, Advocate and
Mr. Shivam Jindal, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

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VIRINDER AGGARWAL, J. (Oral)

1. First Petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”] (corresponding to Section 439 Cr.P.C.), seeking grant of regular bail to the petitioner-Amandeep @ Khalnayak, pending trial, in case arising out of FIR No. 395 dated 24.08.2024, registered under Sections 22(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 61 of the Prisons Act, 1894 and Section 42 of the Prisons Act, 1894, at Police Station Civil Lines, Sirsa, District Sirsa, Haryana.

2. Briefly stated, the prosecution case is that on 23.08.2024, during checking of inmate Rahul, he was allegedly found in possession of intoxicant tablets containing Buprenorphine weighing 28.81 grams.

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Thereafter, on 26.08.2024, the petitioner was apprehended on the allegation that Rahul had to supply the aforesaid intoxicant tablets to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and no contraband has been recovered from his possession. It is further contended that the petitioner was neither present at the place of alleged recovery nor is his implication supported by any independent or corroborative material, his alleged involvement being founded essentially upon disclosure statements. It is submitted that even the alleged disclosure statement attributed to the petitioner did not culminate in any recovery or discovery of any fact. Learned counsel further seeks parity with co-accused Kamal @ Harjinder, who was allegedly attributed the role of procuring and concealing the contraband, as well as co-accused Rahul @ Bhola, from whose possession the contraband was recovered, both of whom have already been enlarged on regular bail by this Court. It is contended that the petitioner stands on an equal, rather better, footing. Supplementary challan has already been presented, investigation qua the petitioner stands concluded, charges are yet to be framed and the trial is likely to consume considerable time. Continued incarceration, therefore, would serve no useful purpose and would amount to subjecting the petitioner to pre-trial detention for an indefinite period. The petitioner is no longer required for custodial interrogation. Grant of regular bail is accordingly prayed for.

4. Learned State counsel has placed on record the custody certificate of the petitioner, which is taken on record, subject to all just

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exceptions. Learned State counsel has vehemently opposed the prayer for grant of regular bail, contending that, having regard to the nature and gravity of the allegations, the manner in which the alleged offence was committed and the specific role attributed to the petitioner, no case for exercise of discretion in his favour is made out at this stage. Dismissal of the present petition is, accordingly, prayed for.

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

6. Adverting to the material collected during investigation, the prosecution case, insofar as the present petitioner is concerned, substantially rests upon the disclosure statement attributed to the co-accused, the admissibility and evidentiary worth whereof are, at this stage, circumscribed by the statutory bar contained in Section 23 of the Bharatiya Sakshya Adhiniyam, 2023. In the absence of any cogent, independent and legally admissible material providing substantive linkage between the petitioner and the alleged offence, the prosecution case, at this interlocutory stage, cannot be regarded as of such compelling nature as to justify continued incarceration. The petitioner is also entitled to consideration on the ground of parity, particularly when the main accused Rahul and co-accused Kamal have already been enlarged on regular bail. The trial is still at a nascent stage and, having regard to the nature of evidence likely to be adduced, is not expected to culminate in the immediate future. Continued incarceration of the petitioner for an indefinite period, despite the investigation having progressed and the trial being unlikely to conclude expeditiously, would amount to subjecting him

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to an impermissible form of pre-trial punishment. The right to personal liberty guaranteed under Article 21 of the Constitution cannot be eclipsed merely by the gravity of the accusation, particularly where the petitioner's continued detention is not demonstrably necessary for the purposes of investigation or trial.

6.2. Balancing the nature of the allegations against the competing considerations of personal liberty, parity, the evidentiary limitations surrounding the disclosure statement and the likelihood of protracted trial, this Court is of the considered view that further incarceration of the petitioner would not advance the cause of justice. Accordingly, the present petition is **allowed**, and the applicant-petitioner is ordered to be admitted on regular bail, subject to his furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

i. The petitioner(s) shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the Investigating Agency.

ii. The petitioner(s) shall not tamper with the prosecution evidence in any manner whatsoever, nor shall the petitioner(s), directly or indirectly, attempt to influence, intimidate, or contact any prosecution witness.

iii. The petitioner(s) shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event any of the petitioner(s) is in possession of a passport,

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the particulars thereof shall be furnished before the Investigating Officer as well as the learned Trial Court.

iv. Before accepting the bail and surety bonds, the learned Illaqa Magistrate/Duty Magistrate/C.J.M. concerned shall obtain from the petitioner(s) the permanent residential address as well as the present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours of the acceptance of the bail bonds and place a verification report on record. In the event any of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

v. The petitioner(s) shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, the Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of the concession of bail in accordance with law.

vi. The petitioner(s) shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days of such change.

vii. The petitioner(s) shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless personal appearance is exempted in accordance with law. The petitioner(s) shall not absent from the proceedings without obtaining prior

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permission of the learned Trial Court. In the event of violation of any of the aforesaid conditions or unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of bail and issuance of appropriate coercive process, including warrants of arrest.

7. In view of the foregoing, the principal matter having been finally adjudicated, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings shall stand disposed of accordingly, and no separate or further orders are required to be passed in respect thereof.

(VIRINDER AGGARWAL)
JUDGE

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Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No

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