

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

CRM-M-8316-2022 (O&M)

Date of decision: 31.10.2022

Harish Kumar @ Happy

...Petitioner

Versus

Union of India, through Its Intelligence Officer

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S. Rana, Advocate for the petitioner.

Ms. Gurmeet Kaur Gill, Senior Panel Counsel-UOI NCB.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing NCB Crime No. 51 dated 04.08.2021, registered under Section 8, 20, 28, 29, 60, 61 of the NDPS Act, at Police Station NCB, Chandigarh, in view of the law laid down by the Hon'ble Supreme Court of India in UOI Vs. Bal Mukand, 2009 (2) RCR (Criminal) 576 and Tofan Singh Vs. State of Tamil Nadu, 2021(1) RCR (Crl.) page 1.

Learned counsel for the petitioner submits that no recovery was effected from the petitioner; that the petitioner was indicted on the disclosure statement of co-accused Sher Singh, who along with Beli Ram was arrested on the spot; that the petitioner has been in custody since 04.08.2021; that

there is no other case against the petitioner and that as per the law laid down by the Hon’ble Supreme Court, the call details record cannot be taken into consideration.

Learned counsel appearing for the respondent-UOI submits that the name of the petitioner also figured in the secret information received on 04.08.2021 and moreover, as per the call detail records, there are more than hundreds of phone calls between the petitioner and Sher Singh. She relies upon the order dated 21.10.2022 of the Hon’ble Supreme Court of India passed in Criminal Appeal Nos. 1841-1842 of 2022 titled as Union of India Etc. Vs. Khalil Uddin etc., In the said case, the petitioner was arrested on the basis of disclosure statement of the co-accused and taking into the said fact into consideration coupled with the fact that the petitioner therein had already undergone custody period of about one year, the Gauhati High Court, had granted the petitioner therein on bail, but the Hon’ble Apex Court, set aside the order of the High Court.

I have heard the learned counsel for the parties and have also gone through the documents on record.

In view of the order dated 21.10.2022 passed by the Hon’ble Supreme Court in Criminal Appeal Nos. 1841-1842 of 2022 titled as Union of India Etc. Vs. Khalil Uddin etc., no ground is made out to grant the relief to the petitioner as prayed for.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

31.10.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No