



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

205

**CRM-M-18323-2024****Date of decision: May 31, 2024**

DEEPAK TIWARI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Ms. Kiran Bala Jain, Advocate  
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana  
with Inspector Gurmail Singh.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The instant petition is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.59 dated 26.03.2023 (Annexure P-1) under Sections 22B, 22C, 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Raipur Rani, District Panchkula.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 30.03.2022. Thereafter, the challan was presented on 20.12.2023, however, till date, the charges had not been framed as the case was being repeatedly adjourned. It has been further submitted that the petitioner was not nabbed along with the co-accused, from whom a recovery of 900 tablets of Lomotil and 1020 tablets of Alprazolam was effected, rather he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Mandeep Singh, who stated that the recovered contraband had been procured through the petitioner. Learned counsel submits that the petitioner has no criminal antecedents, much less being involved in any

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case under the NDPS Act, which lends credence to his false implication in the present case. It has also been urged by the learned counsel that the disclosure statement, on the basis of which the petitioner has been arraigned as an accused, has very poor evidentiary value. Learned counsel submits that in the facts and circumstances, keeping in view his long custody period, no useful purpose would be served in still keeping him behind bars as the trial would take considerable time to conclude. It has also been brought to the notice of this Court that identically placed co-accused Rajesh has already been extended the concession of bail on 06.10.2023.

3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the custody period of the petitioner as well as the stage of trial. He has, however, submitted that on a couple of dates, arguments had not been addressed by the defence, whereas on the following dates, the case was indeed adjourned on account of the Court being busy with some training. On a pointed query, learned State counsel has not disputed that the petitioner has clean antecedents and is not involved in any other criminal case. On a further query, it has been brought to the notice of this Court that as many 18 witnesses have been cited by the prosecution.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. As not disputed by the learned State counsel, the petitioner's name surfaced in disclosure statement allegedly suffered by co-accused Mandeep Singh, from whom a recovery of 900 tablets of Lomotil and 1020 tablets of Alprazolam was effected. The petitioner has been in custody since 30.03.2023.



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Investigation in the case in hand is complete as challan stands presented. The likelihood of the trial concluding in the near future seems unlikely.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.

7. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

**May 31, 2024**  
*Jaspreet Kaur*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No