

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

221/1

2024:PHHC:027422

CRM-M-25781-2023

Date of decision: February 27, 2024

ROHIT @ LADDU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.517 dated 28.08.2022 (Annexure P-1) under Sections 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mujessar, District Faridabad.

2. At the outset, learned State counsel has opposed the prayer made by learned counsel for the petitioner for extending the concession of regular bail to the petitioner. It has been submitted that a specific secret information was received by the police *qua* the involvement of co-accused Sagar; on being intercepted and apprehended by the police, recovery of 20 injections of Buprenorphine (commercial quantity) was then effected from the conscious possession of the petitioner, and that too after due compliance of all the mandatory provisions of the NDPS Act. During the interrogation of co-accused Sagar, he suffered a disclosure statement nominating the petitioner as an accused and the person through whom he had procured the recovered

contraband. Learned State counsel has further submitted that after the petitioner was arrested on 31.08.2022, the trial had been proceeding at a considerably good pace as the prosecution evidence is underway. The next date fixed before the learned trial Court is 01.04.2024, when some more prosecution witnesses are likely to be examined. Learned State counsel has also brought to the notice of this Court that the petitioner is a man of criminal antecedents as he is involved in one other case i.e. FIR No.386 dated 05.08.2018 registered under Sections 147, 148, 149, 302, 506, 216 and 120-B of the IPC at Police Station City Palwal, Palwal, which fact has been withheld from this Court. In support, learned State counsel has filed the custody certificate of the petitioner, which is taken on record subject to just exceptions. Learned State counsel submits that on this ground also, since the petitioner has not approached this Court with clean hands and has averred in his petition that he has clean antecedents and he is not involved in any other criminal case, his prayer deserves to be declined.

3. On the other hand, learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the instant case on the basis of a disclosure statement allegedly suffered by co-accused Sagar, from whom the recovery of 20 injections of Buprenorphine was effected. Learned counsel has further submitted that the evidentiary value of such disclosure statement is of a weak nature and for which the benefit should be given to him. However, learned counsel for the petitioner has not been able to dispute *qua* his involvement in another criminal case, which fact was concealed from this Court while filing the instant petition. Learned counsel has also not been able to dispute that the prosecution evidence in the case in hand is underway. He has also not been able to bring to the notice of this Court any intervening circumstances, from which it could be inferred that the delay, if any, in the

conclusion of the trial has been on account of reasons attributable to the prosecution.

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

5. The petitioner has been in custody since 31.08.2022. As not disputed by either of the parties, the trial has been proceeding at a reasonably good pace after the petitioner was arrested. The alleged recovery effected in the instant case has been categorized as ‘commercial’ under the NDPS Act. The petitioner is alleged to have supplied the contraband to the co-accused from whom the alleged recovery was effected. In the facts and circumstances as enumerated hereinabove, no ground is made out for extending the concession of bail to the petitioner.

6. The petition stands dismissed.

7. The learned trial Court would make earnest efforts to expedite the trial and endeavour to conclude it at the earliest.

8. 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.

February 27, 2024
Jaspreet Kaur/Sonia

(MANJARI NEHRU KAUL)
JUDGE

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