



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

208

CRM-M-26588-2024

Date of decision: May 30, 2024

NOUSHAD ALI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present: Mr. Rahul Singla, Advocate  
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

**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.297 dated 25.10.2020 (Annexure P-1) under Sections 22-C, 27-A, 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Tohana, Tehsil Tohana, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, involving recovery of 19800 tablets of Tramadol Hydrochloride. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further submitted that his false implication finds due credence from the fact that he was neither named therein nor any role attributed to him; he came to be nominated as an accused on a disclosure statement allegedly suffered by the co-accused, who stated that the contraband recovered from him had been procured from the petitioner. It has been asserted by the learned counsel that the aforementioned

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disclosure statement does not have much evidentiary value, which also has to be appreciated in the light of no recovery of any contraband having been effected from him, when he was initially arrested on 02.07.2021. It has been submitted that thereafter, the petitioner had been extended the concession of bail, however, on account of a human error, he had absented during the pendency of the trial, as a result of which, he was erroneously declared a proclaimed offender (PO). It has still further been submitted that as many as 25 witnesses have been cited by the prosecution, however, till date, none of them have been examined, for which the petitioner cannot be made to languish in custody as the trial would take time to conclude.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions, has informed the Court that after the petitioner absconded, he was declared a proclaimed offender and it was only on 05.08.2023 that the petitioner, after being taken into custody, was produced before the learned trial Court. The delay in the trial is for reasons attributable to the petitioner only. It has also been submitted by the learned State counsel, on instructions, that the petitioner is a man of criminal antecedents as he is involved in cases under the NDPS Act in the State of Uttar Pradesh also. Learned State counsel has, thus, prayed for dismissal of the instant petition as there could be a possibility of the petitioner yet again absconding and leading to the trial getting delayed further and/or also being involved in some other case under the NDPS Act.

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



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5. In view of the criminal antecedents of the petitioner, coupled with the fact that during the pendency of the trial in the present case, he had absconded and had also been declared a proclaimed offender, this Court does not deem it fit to accept the prayer of the petitioner for being extended the concession of regular bail.
6. Accordingly, the instant petition stands dismissed.
7. 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.

**May 30, 2024**  
*Jaspreet Kaur*

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

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