



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

CRM-M No.31905 of 2024
Date of decision: 4th December, 2024

Sabir @ Kala
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davneet Sangwan, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.216 dated 09.05.2023 under Sections 21(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the present case is evident from the fact that he was not apprehended along with the co-accused Kayum, from whom recovery of 311 grams of Smack was allegedly affected pursuant to a secret information received by the police. Learned counsel has submitted that the petitioner came to be nominated as an accused subsequently, in a disclosure statement allegedly suffered by co-accused

Kayum, who claimed that the petitioner was supplier of the recovered contraband. Learned counsel has asserted that the disclosure statement, on the basis of which the petitioner has been nominated as an accused, has very weak evidentiary value and would not be sufficient to link him with the alleged recovery. Learned counsel has further submitted that since investigation qua the petitioner is complete, further incarceration of the petitioner would serve no useful purpose since almost 24 prosecution witnesses have been cited, coupled with the fact that when the petitioner was arrested on 15.06.2024, no recovery of any contraband was affected from him.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Satish, has not disputed the custody period of the petitioner nor has it been disputed that the petitioner came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused Kayum. However, it has been asserted by the learned State counsel that the disclosure statement of co-accused Kayum was made soon after his arrest on 05.06.2023 and the petitioner had been on the run ever since then; a prize money had also been put qua the petitioner. Learned State counsel has, on further instructions, submitted that the involvement of the petitioner in drug trafficking is discernible from the fact that he has previous criminal antecedents and is involved in two other cases under the NDPS Act. Learned State counsel, therefore, submits that in case the petitioner is enlarged on bail, there is a reasonable apprehension that the

petitioner could yet again evade proceedings before the trial Court and be involved in some other case under the NDPS Act as it has come during investigation that he is a supplier of narcotic substances. Learned State counsel has further submitted that the next date of hearing fixed before the trial Court is 20.02.2025.

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

5. The FIR in question came to be registered on 09.05.2023; after the petitioner's name surfaced in the disclosure statement of the co-accused Kayum, he had been on the run and evading proceedings before the trial Court. Supplementary challan was presented against him as recently as on 11.11.2024 and charges have not yet been framed. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition, as such, is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

December 4, 2024
rps

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