



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

CRM-M-50786-2021
Date of Decision : 22.10.2024

UNION OF INDIAPetitioner

VERSUS

RAKESH KUMAR SINGLARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sourabh Goel, Advocate,
for the petitioner.

Mr. Sandeep Wadhwa, Advocate,
for the respondent (through V.C.)

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 439(2) read with Section 482 Cr.P.C., for seeking cancellation of regular bail, granted vide order dated 14.01.2021 (Annexure P-2), in CRM-M-23220-2020, arising from NCB, Chandigarh Crime No.33/2020, dated 12.06.2020, under Sections 8, 21, 22 and 29 of the NDPS Act, 1985.
2. A co-ordinate bench of this Court vide order dated 14.01.2021, while passing a detailed order granted the relief of regular bail to the respondent (petitioner therein).
3. Learned counsel for the petitioner submits that at the time of deciding the aforesaid regular bail application, the co-ordinate bench had granted liberty to rely upon 'Whatsapp' message after due compliance of provisions of Section 65-B of the Indian Evidence.

4. He further submits that in compliance of the provisions of Section 65-B of the Indian Evidence Act, a certificate has been received by the NCB, and has made a request to examine the said 'Whatsapp' messages, which would according to the respondent connect the present petitioner to the alleged crime.

5. On the the other hand, learned counsel for the respondent fairly submits that after obtaining the relief of regular bail (*supra*), the respondent/accused has not violated the terms and conditions of the regular bail. He further submits that now the case is fixed for prosecution evidence.

6. This Court has considered the submissions made by learned counsel for the petitioner, and finds no merit therein, for the reason that the liberty which was extended by the co-ordinate bench, while granting the relief of regular bail vide order (*supra*), to the respondent/accused, was *qua* the purpose of relying upon the 'Whatsapp' messages at the time of the trial. The relevant extract of the order (*supra*), reads as under:-

“13. Needless to say that the Narcotics Bureau would always be at liberty to reply upon the Whatsapp messages after due compliance of provisions of Section 65-B of the Indian Evidence.”

7. In view of the above, the instant petition, is hereby, **dismissed**.

8. All pending application(s), if any, also stand **disposed** of accordingly.

October 22, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No