



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

**CRM-M No.42147 of 2024**  
Date of decision: 4<sup>th</sup> September, 2024

Rohit @ Laddu

... Petitioner

Versus

State of Haryana

... Respondent

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

Present: Ms. Shweta Bawa, Advocate for the petitioner.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana  
for the respondent/State.

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

1. The petitioner is seeking the concession of bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.517 dated 28.08.2022 under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mujessar, District Faridabad. This is the third petition filed by the petitioner.

2. Learned counsel for the petitioner submits that he has been in custody for more than 2 years, having been arrested on 31.08.2022. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further submitted by the learned counsel that although secret information was received qua the co-accused Sagar being involved in drug trafficking, however, no secret information was received qua the petitioner; the petitioner came to be



nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Sagar, from whom recovery of 20 injections of Buprenorphine was allegedly affected. Learned counsel submits that the disclosure statement, on the basis of which the petitioner has been nominated as an accused, has poor evidentiary value. She has further contended that the petitioner's false implication in the instant case is evident from the fact that on being arrested, no recovery of any contraband much less injections of Buprenorphine was affected from him. It has been further argued that even though challan was presented way back on 14.11.2022 and charges framed on 16.01.2023, the trial had not concluded till date as only 3 witnesses out of the 17 cited by the prosecution had been examined so far and the case was being adjourned repeatedly on account of the non-appearance of prosecution witnesses, who in the present case, are all police officials. Learned counsel has also drawn the attention of this Court to Annexure P-3, which is an order of this Court dated 20.08.2024 granting bail to co-accused Sagar Kaushik, who had been enlarged on bail on account of the inordinate delay in conclusion of the trial.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that no recovery of any contraband was affected from the petitioner on being arrested on 31.08.2022. It has also been conceded by the learned State counsel, on instructions, that the



petitioner came to be nominated as an accused in the present case on the basis of a disclosure statement allegedly suffered by co-accused Sagar Kaushik. Learned State counsel, on further instructions, has not disputed the stage of the trial and the factum of the prosecution witnesses repeatedly absenting themselves before the trial Court, even though, on a few dates bailable warrants were issued to secure their presence.

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

5. The petitioner has now been in custody since 31.08.2022. Hon'ble the Supreme Court in '***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh***' (SLP(Crl.) No.6690/2022) decided on 25.01.2023 has observed as under:-

*".... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed."*

6. In the facts and circumstances as enumerated hereinabove and the observations made by Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla's case (ibid)***, this Court, by dispensing with the conditions laid down under Section 37 of the NDPS Act, deems it fit to extend the concession of bail to the petitioner. The petition as such is



allowed and the petitioner is 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.

7. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)  
JUDGE

September 4, 2024  
*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |