



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-1177-2025
Date of decision: February 15th, 2025

Devender Kumar @ Devendra Kumar
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Narinder Pal Nain, Advocate
for Mr. Sandeep Saini and Mr. Sahil Choudhary, Advocates
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in
FIR No.123 dated 30.05.2024 under Sections 22(C) and 29 of the
NDPS Act, 1985, registered at Police Station Kalka, District Panchkula.

2. Learned counsel for the petitioner submits that a secret
information was received regarding the involvement of co-accused
Amrit Rawat in drug trafficking. Pursuant to the secret information, the
police intercepted co-accused Amrit Rawat, leading to the recovery of
6180 tablets of Lomotil. During the interrogation of co-accused Amrit
Rawat, he allegedly suffered a disclosure statement, wherein he
nominated the petitioner as being the person through whom the
recovered contraband had been procured. Learned counsel has argued
that firstly, the disclosure statement on the basis of which the petitioner
has been nominated as an accused in the present case, has poor

evidentiary value, coupled with the fact that the petitioner has no previous criminal antecedents, which leaves no manner of doubt that the petitioner is a victim of false implication in the present case.

3. On a pointed query put to the learned counsel as to whether any recovery of any contraband was made from the petitioner on his arrest on 02.06.2024, he has categorically replied in the negative.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he, on instructions, disputed 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 Amrit Rawat. Learned State counsel, on further instructions, has also not disputed that the petitioner has no previous criminal antecedents.

5. On a further query put to the learned State counsel as to the stage of trial, he, on instructions, has submitted that investigation is complete, with charges having been framed and none of the 23 witnesses having been examined till date.

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

7. The petitioner has been in custody since 02.06.2024 following his name cropping up in the disclosure statement allegedly suffered by co-accused Amrit Rawat. Undisputedly, the petitioner was not named in the secret information received nor any recovery of contraband made from him at the time of his arrest. Since 23 witnesses have been cited by the prosecution, the possibility of the trial concluding in the foreseeable future looks remote.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 15th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No