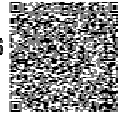


2025:PHHC:028956



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

CRM-M-5592-2025 (O&M)

Reserved on : 27.02.2025

Pronounced on : 28.02.2025

Sourav @ Saurabh @ Nonu**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. B. S. Bhalla, Advocate
for the petitioner.

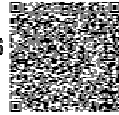
Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the third petition that has been filed by the petitioner seeking regular bail in case bearing FIR No. 85 dated 17.08.2023, registered under Sections 22(c), 25, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Valtoha, District Tarn Taran. The earlier two petitions, bearing CRM-M-83-2024 and CRM-M-45041-2024, were dismissed as not pressed, vide orders dated 20.05.2024 and 17.09.2024, respectively.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 17.08.2023, Gurbhej Singh @ Bheja was apprehended by the police party and recovery of 1050 intoxicant tablets was effected from him. On interrogation, he disclosed that he used to bring intoxicant tablets from Harpal Singh and Neeraj Luthra. On the basis of the same, said Harpal Singh and Neeraj Luthra were nominated in this case and were arrested on 19.08.2023, while they were coming on a motorcycle bearing registration number PB-46-Q-8631. On their search, recovery of 4000 tablets of

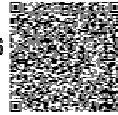
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Alprazolam was effected from them. On interrogation, they disclosed that they used to purchase the intoxicant tablets from the present petitioner and one Varun Kumar. Consequently, the present petitioner and Varun Kumar were also nominated in this case as accused and were arrested on 20.08.2023. On the disclosure of the petitioner, recovery of 7000 tablets of Tramadol Hydrochloride was effected, whereas 5000 intoxicant tablets were recovered from co-accused Varun Kumar. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 11.10.2023.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not named in the FIR and has been involved in this case on the basis of the disclosure statements made by the aforesaid co-accused, which is not admissible in evidence. Main accused Gurbhej Singh, who was arrested at the spot, has already been granted concession of regular bail by this Court, vide order dated 09.01.2025 passed by this Court in **CRM-M-64276-2024**. Even similarly situated co-accused Varun Kumar and Gautam Malhotra have also been granted concession of regular bail by this Court, vide orders dated 20.12.2023 and 13.12.2023 passed in **CRM-M-63283-2023** and **CRM-M-61859-2023**. Co-accused Neeraj has also been granted concession of regular by the learned trial Court, vide order dated 16.09.2023. On the grounds of parity, the petitioner too deserves the same benefit. The trial is likely to take time. No

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useful purpose would be served by keeping the petitioner in custody anymore.

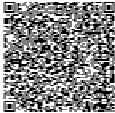
It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime has been duly established. Recovery of 7000 tablets of Tramadol Hydrochloride was effected from him. The petitioner used to supply contraband to the aforesaid co-accused. Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused Harpal Singh and Neeraj Luthra, who themselves were nominated in this case on the basis of the disclosure made by co-accused. The allegation against the petitioner is that he used to supply the contraband to the co-accused. As mentioned above, main accused Gurbhej Singh as well as some other co-accused, who were nominated on the basis of the disclosure statements, have been granted concession of regular bail. The petitioner is in custody since 16.10.2023. Trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty

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Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No