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

CRM-M-4974-2025 (O&M)

Reserved on : 16.05.2025

Pronounced on : 19.05.2025

Manoranjan @ Manorajan Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ruhani Chadha, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case arising out of FIR No. 239 dated 12.07.2024, registered under Sections 15(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Civil Lines, Jind, District Jind.

2. Brief facts of the case relevant for the disposal of the present petition are that on 12.07.2024, on the basis of a secret information, co-accused Shinder Pal @ Shinder was apprehended by the police and recovery of 898 kgs. of poppy husk was effected from him, which was kept in his rented house. He suffered a disclosure statement nominating Rinku Singh as his associate. Rinku was also arrested on the same day. Upon interrogation, Rinku disclosed that he had brought the recovered contraband from the present petitioner from Jharkhand in a truck bearing registration number

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PB-11-CR-9741. During investigation, it surfaced that the said truck was driven by one Amarjeet Sharma. He was arrested and the aforesaid truck was taken into possession. He was found to be the owner of the said truck. Subsequently, the petitioner was also arrested on 20.07.2024. Some other persons were also nominated and arrested in this case. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 10.01.2025.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was neither named in the FIR nor in the secret information. He was not even found at the spot when the aforesaid raid was conducted. He has been nominated in this case on the basis of the disclosure statement suffered by co-accused Rinku Singh, who himself was nominated by co-accused Shinder Pal @ Shinder. The disclosure made by the co-accused against the petitioner is not admissible in the eyes of law. Co-accused Amarjeet Sharma, against whom there are the allegations that he was the driver of the aforesaid truck and had received an amount of Rs. 99,000/- in his account from co-accused Rinku Singh, has already been granted concession of regular bail by this Court, vide order dated 21.11.2024 passed in **CRM-M-56926-2024**. The case of the petitioner is in fact on better footing than that of co-accused Amarjeet Sharma. Hence, on the ground of parity, the petitioner too deserves to be extended benefit of bail. Even otherwise, investigation has since been completed and *challan* has been filed.

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Conclusion of trial is likely to take as despite filing of *challan* on 09.10.2024, no prosecution witness has been examined so far. The petitioner is in judicial custody since 20.07.2024. His custodial interrogation is no more required. No useful purpose would be served by keeping him in custody anymore. The petitioner has been falsely implicated in one more case but the same is also based on the disclosure statement of a co-accused. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed on behalf of the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against him. He was the supplier of the contraband. He had received an amount of Rs. 90,000/- from co-accused Rinku Singh, which is apparent from the perusal of his bank account. An amount of Rs. 3,90,000/- was also deposited in cash by co-accused Shinder Pal @ Shinder into the account of the petitioner. The petitioner was in touch with the co-accused over phone during relevant time. He is involved in one more case under the NDPS Act. Trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard 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 co-accused Rinku Singh on the allegations that he was the supplier of the recovered contraband and had received payment thereof from him. A perusal of the record reveals that co-accused

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Rinku Singh himself was nominated in this case on the basis of the disclosure statement suffered by co-accused Shinder Pal @ Shinder. Subsequent to arrest of the petitioner, no recovery of the contraband is shown to have been effected from the petitioner. Co-accused Amarjeet Sharma, who was the driver of the truck which had allegedly transported the contraband, has already been granted concession of regular bail by this Court, as mentioned above. Though it is the case of the prosecution that there was exchange of calls between the petitioner and other co-accused but no transcript of the conversation has been placed on record. It is well established that mere call details, without the transcript of the conversations exchanged between the accused persons, would not be considered to be corroborative material in absence of substantive material found against him. The petitioner is stated to be involved in one more case of similar nature but such implication is also stated to be based on the disclosure statement suffered by a co-accused. The petitioner, in the present case, is in custody since 23.07.2024. Investigation has since been completed and *challan* has been filed. Total 21 witnesses have been cited by the prosecution but none has been examined so far, though *challan* was filed on 09.10.2024. Hence, the conclusion of trial would obviously 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 him 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 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

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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.

19.05.2025

Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No