

2025:PHHC:040922



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

CRM-M-5581-2025 (O&M)

Reserved on : 21.03.2025

Pronounced on : 26.03.2025

Shivam**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Mouli Tarunima Tagore, Advocate
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition, which has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail in case bearing FIR No. 116 dated 19.07.2024, registered under Sections 22(c) and 29 of the NDPS Act, 1985 at Police Station Pratap Nagar, District Yamuna Nagar. The first petition, bearing number **CRM-M-45565-2024**, was dismissed by this Court, by passing a detailed order on 19.11.2024.

2. As per the prosecution case, the petitioner was nominated in this case on the basis of the disclosure statement suffered by co-accused Sameem, who himself was nominated by the main accused Kapil, who was apprehended at the spot by the police party on 19.07.2024 and from whose possession, recovery of 1176 intoxicant capsules of SPASMAXX-B having salt of Tramadol Hydrochloride was effected.

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3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime, except the disclosure statement of a co-accused, who himself was nominated on the disclosure of the main accused. It is well settled proposition of law that the disclosure of a co-accused is not admissible in evidence against another accused. In this regard, reliance is placed upon the authority cited as ***Tofan Singh vs. State of Tamilnadu : (2021) 4 SCC 1***. It is further argued that the petitioner has clean criminal antecedents as he is not involved in any other criminal case. Investigation has since been concluded and *challan* has been presented. Trial is likely to take a long time. The petitioner is in custody since 31.08.2024. His further incarceration would not serve any purpose. It is, thus, urged that the petition deserves to be allowed.

4. Status report has been filed by 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 he along with co-accused was involved in sale/purchase of intoxicant tablets. The trial is going on at a proper pace. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner has been nominated in this case on the basis of the disclosure statement of co-accused Sameem, who himself was nominated by accused Kapil, from whom aforesaid contraband was recovered on 19.07.2024. A perusal of the status report reveals that the petitioner is not

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involved in any other case. No subsequent recovery is shown to have been effected from the petitioner. After completion of investigation, *challan* has been filed. The petitioner is in custody since 31.08.2024. The conclusion of 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 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 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.

26.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>