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

CRM-M-6704-2025 (O&M)
Reserved on : 01.05.2025
Pronounced on : 08.05.2025

Prem Chand @ Prem Chand Meena

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. J. S. Mehndiratta, 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. 578 dated 09.11.2013, registered under Sections 18 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ambala City, District Ambala, whereby challan has submitted under Sections 18, 27-A and 29 of the NDPS Act.

2. Brief facts of the case relevant for the disposal of the present petition are that on 09.11.2013, on the basis of a secret information, co-accused Kamlesh and Ram Narayan were apprehended by the police party and recovery of 01 kg. of opium was effected from co-accused Kamlesh, whereas recovery of 300 grams of opium was effected from co-accused Ram Narayan. Upon interrogation on 10.11.2013, co-accused Kamlesh disclosed that they were supplying the contraband in the areas of Haryana, Punjab and Delhi on the instructions of the present petitioner as he used to give them an amount of Rs.

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10,000/- for supplying the contraband. On the basis of the same, the petitioner was nominated in this case as an accused. Co-accused Ram Narayan faced full length trial and was acquitted by the learned trial Court, vide judgment dated 09.07.2019. However, since co-accused Kamlesh was absconding and was declared a proclaimed offender, the case file was consigned to record room with a direction to put up again as and when he appeared or produced by the police. The petitioner also could not be arrested and was ultimately declared a proclaimed offender, vide order dated 25.05.2015. Subsequently, he was arrested on 24.09.2024 by the local police. *Challan* qua the petitioner was presented on 04.01.2025 and presently, he is facing trial for the aforementioned offence. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 02.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by co-accused Kamlesh, which is not admissible in evidence. No subsequent recovery has been effected from the petitioner. The petitioner is not involved in any other case under the NDPS Act. More so, the version of the prosecution has already been disbelieved by the learned trial Court as main accused Ram Narayan, who faced trial, has been acquitted, vide judgment dated 09.07.2019. The petitioner also has fair chances of his acquittal as his case is on better footing than that of co-accused Ram Narayan. It is further argued that the petitioner is in custody since 24.09.2024. The trial has started *de-nove* and would take a long time to conclude as no prosecution witness has been examined so far. No useful purpose would be served by keeping the petitioner in custody anymore. It is, therefore, urged that

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the petition deserves to be allowed.

4. Reply 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 was absconding since long and was declared a proclaimed offender. *Challan* qua him has been filed and the trial has started. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued 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 Kamlesh, who along with co-accused Ram Narayan, was apprehended by the police party on 09.11.2013 and recovery 01 kg. of opium and 300 grams of opium was effected from them, respectively. A perusal of the record reveals that co-accused Ram Narayan, who faced trial, has been acquitted by the learned trial Court, vide judgment dated 09.07.2019. However, co-accused Kamlesh, who had initially appeared before the learned trial Court, is absconding. It is an admitted position that the quantity of the contraband recovered from the co-accused, even if taken together, does not fall within the ambit of commercial quantity. The petitioner is in custody since 24.09.2024. He is not shown to be involved in any other case of similar nature. The conclusion of trial is likely to take time as no witness has been examined so far. 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

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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 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.

08.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No