



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

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CRM-M-7172-2025 (O&M)
Date of decision: 04.04.2025

Sunny @ Shana**...Petitioner**

Versus

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

Present:- Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 82 dated 15.06.2024, registered under Sections 304, 120-B of IPC and Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dinanagar, District Gurdaspur.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 15.06.2024 on the basis of the statement got recorded by complainant Ram Krishan Malhotra alleging therein that his son Prince Malhotra was a drug addict and was under treatment for some time. On 14.06.2024, he received a phone call from his elder son informing him that Prince Malhotra had gone towards Dinanagar on the motorcycle of his cousin at about 3:00 PM and was found lying near Panther and was found to be dead. It was further stated that his son Prince



Malhotra used to tell him that he used to procure *Chita* from the petitioner and several other persons named in the FIR. He stated that he was sure that on 14.06.2024, his son had died due to consumption of narcotic substances/drugs. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 31.07.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been involved in this case on the basis of hearsay and there is nothing on record to connect the petitioner with the cause of death of the victim. As per own case of the complainant, the victim was a chronic drug addict and the cause of his death might be over dose of the drugs. Investigation is still going on, which shows that after presentation of challan, the conclusion of trial would take a long time. The petitioner is in custody since 31.07.2024. No useful purpose would be served by keeping him 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 State counsel has argued that there are serious and specific allegations against the petitioner. He and some other persons, who are named in the FIR, used to supply narcotic substances to the victim and due to consumption of the same, the victim had died. The criminal antecedents of the petitioner are not clean as he is involved in 08 other criminal cases. 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.

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6. As per the allegations, the son of the victim was a drug addict, who had died on 14.06.2024 due to consumption of narcotic substances/drugs. The petitioner and several other persons have been nominated as accused in this case with the allegations that they used to supply narcotic substances to the victim. A perusal of the contents of the FIR reveals that there are no specific allegations against the petitioner. The investigation of the case is still going on. As per reply filed by the respondent-State, some of the similarly situated co-accused have been granted concession of anticipatory/regular bail by this Court. The petitioner is in custody since 31.07.2024. The trial is likely to take time. Keeping in view the discussion as made above, 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 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.

04.04.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No