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

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CRM-M-8492-2025 (O&M)
Date of decision: 19.05.2025

Vikas Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vishal Sharda, Advocate
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J. (Oral)

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 FIR No. 480 dated 29.07.2023, registered under Sections 18, 27-A and 29 of the NDPS Act, 1985 at Police Station Shahabad, District Kurukshetra.

2. Brief facts of the case relevant for the disposal of the present petition are that on 29.07.2023, on the basis of a secret information, co-accused Parvinder Singh @ Dollu and Harvinder Singh, who were the drivers and cleaner respectively at truck bearing registration number PB-65-AA-9784, were apprehended by a police party headed by Inspector Mandeep Singh and recovery of 17 kgs. of opium was effected from them. They were formally arrested at the spot. During the course of interrogation, the aforesaid co-accused disclosed that the recovered contraband was taken by them as per instructions of their owner Jugraj Singh. On the basis of the same,

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Jugraj Singh was also nominated as accused in this case and was arrested on 30.07.2023. During investigation, co-accused Jugraj Singh disclosed that one Sahil Vij had purchased 05 kgs. of opium from him for Rs. 5 Lakhs. The bank account records of co-accused Sahil Vig were obtained and on perusal of the same, it was found that he had transferred a sum of Rs. 32,000/- to the petitioner through UPI. Co-accused Sahil Vig disclosed the name of Umesh Paswan, who further disclosed the name of the petitioner as their accomplice. The allegations against the petitioner are that he had given 05 kgs. of opium to co-accused Umesh Paswan, which was further sold to co-accused in turn. After completion of necessary investigation and usual formalities, *challan* was presented before 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 learned trial Court but the same had been dismissed, vide order dated 31.01.2025.

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 aforesaid co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject offences. No subsequent recovery has been effected from the petitioner. Similarly situated co-accused Sahil Vig and Umesh Paswan have been granted concession of regular bail by this Court, vide orders dated 25.01.2024 and 12.02.2024, passed in **CRM-M-51005-2023** and **CRM-M-6424-2024**, respectively. Apart from them, co-accused Jugraj Singh, Lakhwinder Singh, Umesh Paswan and Sandeep Kumar have also been granted concession of regular bail by this Court. Even main accused Harvinder

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Singh, who was apprehended at the spot, has also been granted concession of regular bail by this Court, vide order dated 03.02.2025 passed in ***CRM-M-4915-2025***. On the grounds of parity, the petitioner too deserves to be extended the same benefit. He is in judicial custody since 25.12.2024. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody. Therefore, it is 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 there are serious allegations against him. The petitioner was the supplier of the recovered contraband and had received drug money from co-accused Sahil Vig into his bank account against the sale of the contraband. Trial is going on at a proper pace. 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 made by the aforesaid co-accused. The allegations against the petitioner are that he was one of the suppliers of the contraband as he had supplied 05 kgs. of opium to co-accused Umesh Paswan, who had supplied the same after adding 12 kgs. of more opium to co-accused Parvinder Singh and Harvinder Singh, who were apprehended by the police party at the spot. A perusal of the record reveals that several co-accused, as mentioned above, have already been granted concession of regular bail by this Court. Even main accused Harvinder Singh has been granted concession of regular bail by this

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Court. The petitioner is in custody since 25.12.2024. He is not shown to be involved in any other case. Investigation has since been completed and *challan* has been filed. Trial is likely to take time to conclude. Keeping in view the aforementioned 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 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.

19.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No