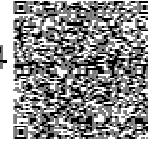


2025:PHHC:051984



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

CRM-M-10144-2025 (O&M)

Reserved on : 22.04.2025

Pronounced on : 24.04.2025

Ram Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bhal Singh Beniwal, Advocate
for the petitioner.

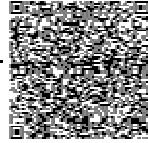
Mrs. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 193 dated 30.03.2022, registered under Sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act [Sections 29(1) and 27(A) of the NDPS Act were added later on] at Police Station City Fatehabad.

2. Brief facts of the case relevant for the disposal of the present petition are that on 30.03.2022, on the basis of a secret information, co-accused Vinod Kumar and Ashish, while coming in a car bearing registration number DL-8-CAW-4606, were apprehended by a police party headed by ASI Birbal Singh and recovery of 5880 tablets of Alprazolam having total weight of 01 kg. 190 grams and 450 tablets of Tramadol Prolonged released having total weight of 222 grams along with a pistol of 315 bore was effected from them. Since they could not produce any license or permit to keep in their possessions the

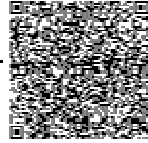
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aforementioned articles, they were formally arrested at the spot. During investigation, disclosure statements of the aforesaid co-accused were recorded on 31.01.2022, wherein they admitted their involvement in the subject offences. On 01.04.2022, co-accused suffered his further disclosure to the effect that he was known to the present petitioner, who was involved in smuggling of intoxicating drugs and they used to have conversations over phone. He further disclosed that on 30.03.2022, he along with the petitioner had gone to Rajasthan in petitioner's car and when they were returning from there, the petitioner had got supplied the recovered contraband and pistol to him through co-accused Om Singh and Surender Singh. On the basis of the same, the petitioner was nominated in this case. However, he could not be arrested and ultimately was declared a proclaimed offender on 14.09.2023. Subsequently, he was arrested on 14.09.2024 and since then he is in custody. *Challan* qua co-accused Ashish Kumar, Vinod Kumar, Surender Singh and Om Singh was presented. They faced full length trial and vide judgment dated 10.10.2024, passed by the learned trial Court, co-accused Vinod Kumar, Surender Singh and Om Singh were acquitted of the charges framed against them, whereas co-accused Ashish Kumar was convicted under Section 22(c) of the NDPS Act and Section 25 of the Arms Act. Supplementary *challan* qua the present petitioner has been presented and the trial is going on. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 13.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has not been named in the FIR. He has been nominated in this case on the basis of the second disclosure statement

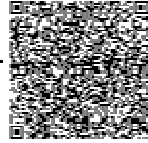
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suffered by co-accused Ashish Kumar, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime. No subsequent recovery has been effected from him. He is not involved in any other case. Although, the prosecution has tried to connect him with the subject crime on the basis of some call details with co-accused Ashish Kumar but the same cannot be sufficient to bring home the guilt of the petitioner. Co-accused Vinod Kumar, Surender Singh and Om Singh have been acquitted by the learned trial Court and there is strong likelihood of the petitioner's acquittal as well. The petitioner is in custody since 14.09.2024. The trial is likely to take a long time. 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 Deputy Advocate General, Haryana has vehemently argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. The petitioner was the kingpin of the subject crime as it was him only, who had got supplied the recovered articles to the co-accused on the fateful day. The allegations against him are quite serious. After inclusion of his name as an accused in this case, he was absconding and was in fact declared a proclaimed offender. Call details records reveal that the petitioner was in constant touch with co-accused Ashish Kumar on 29.03.2022 and 30.03.2022. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. Trial is going at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of

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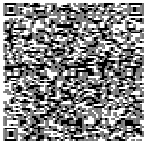


the same. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

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 disclosure of co-accused Ashish Kumar, who was apprehended by the police party on 30.03.2022 along with co-accused Vinod Kumar and from whom, aforesaid recovery of intoxicating drugs and illegal weapon was effected. The allegations against the petitioner are that he had got supplied the recovered contraband and pistol to co-accused Ashish Kumar through co-accused Surender Singh and Om Singh. The petitioner could not be arrested as he was absconding and was eventually declared a proclaimed offender. The allegations against the petitioner are quite serious in nature. No doubt, co-accused Vinod Kumar, Surender Singh and Om Singh have been acquitted by the learned trial Court but the case of the petitioner cannot be stated to be at par with them. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the conduct of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

24.04.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No