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

CRM-M-13801-2025

Date of decision : 25.03.2025

Anu Kumar @ Arun Kumar @ Anu

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present is the second petition that has been filed by the petitioner for grant of regular bail in case FIR No.156 dated 14.07.2022, under Sections 21(C) of Narcotic Drugs and Psychotropic Substances Act and Section 29 of NDPS Act, was added lateron, registered at Police Station STF, Phase-4, Mohali, District SAS Nagar.

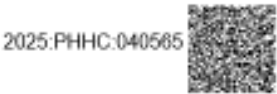
2. Succinctly the facts of the case are that on 14.07.2022, the police party received a secret information to the effect that one Rahul Bhatia and Anoop Singh were involved in selling heroin on a large scale and if Rahul Bhatia is kept under surveillance then a large quantity of heroin could be recovered. On receiving the information FIR was registered. On registration of FIR, the Police party constituted a raiding team and 325 grams of heroin was recovered from Rahul Bhatia as was disclosed in the secret information. He failed to produce any licence for possession of the contraband and thus, FIR was registered and he was arrested on the spot. During investigation, he suffered a disclosure statement wherein he disclosed about the complicity of co-accused Anoop Singh. Thus, Anoop Singh was also arrested. During investigation of



Anoop Singh, the disclosure was made about the petitioner and Nishan Singh and thus, the petitioner was also arrayed as an accused in the present FIR. Resultantly, he was arrested on 18.07.2022. The petitioner approached the Learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Amritsar vide order dated 08.05.2024. Thereafter, he approached this Court earlier by way of filing of CRM-M No.53814 of 2024 but the same was dismissed as withdrawn vide order dated 05.11.2024. Hence, the petitioner approached this Court by way of filing of second present petition praying for grant of bail.

3. Learned counsel for the petitioner has contended that neither the petitioner was named in the secret information nor any recovery has been made from him. It is submitted that during investigation the co-accused, namely, Rahul Bhatia made disclosure about Anoop Singh and it was Anoop Singh, who named the petitioner as an accused. It is submitted that the disclosure statement in itself is not an admissible evidence. He further submits that the petitioner was already behind bars in some other case at the time of alleged occurrence in the present case and thus, the false implication of the petitioner is writ large. He submits that co-accused in the present case are already on bail and the case of the petitioner is on much better footing than that of the co-accused. He submits that out of total 12 prosecution witnesses only 01 witness has been examined so far and thus, there is no progress in the trial. He thus, submits that in the facts and circumstances of the case he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was named during investigation of the co-accused and thus, he was rightly



arrayed as an accused in the present case. He submits that the petitioner is involved in 04 more cases under the NDPS Act and thus, he is an habitual offender. He submits that out of total 12 prosecution witnesses only 01 witness has been examined so far.

5. After hearing counsel for the parties and perusing the record, it is apparent that in the present case the petitioner has been arrayed as an accused on the basis of disclosure statement of the co-accused. The petitioner is behind bars since the date of his arrest. Though the petitioner is involved in 04 more cases, however, the same in itself cannot be a ground for rejection of bail in the present case. The co-accused of the petitioner are already on bail.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.03.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No