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

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CRM-M-20451-2025 (O&M)
Date of decision: 28.05.2025

Jitender Pradhan @ Jitendra Pradhan**...Petitioner**

Versus

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

Present:- Mr. Abhinav Sood, 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. 168 dated 16.04.2024, registered under Section 120-B of IPC and Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chandhut, District Palwal.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 16.04.2024, co-accused Pawan and Satish @ Mintu, while coming in car bearing registration number UP-16-FT-4245, were apprehended by a police party and recovery 148 kgs. 460 grams of Ganja was effected from the said car. They were formally arrested at the spot. During the course of investigation, name of co-accused Doulat @ Doulat Ram surfaced in

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disclosure statement of co-accused Satish @ Mintu, wherein he disclosed that Doulat @ Doulat Ram had asked him to keep the contraband at the house of co-accused Pawan. The name of the present petitioner surfaced in the disclosure statement of co-accused Pawan and Satish @ Mintu with the allegations that he had supplied the contraband. The petitioner was arrested on 20.04.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 11.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1***. It is further argued no recovery whatsoever, has been effected from the petitioner subsequent to his arrest. Although, the petitioner has been falsely implicated in one more case of similar nature but he is on bail in that case. The petitioner is in custody since 20.04.2024. Investigation has since been completed and *challan* has been presented. The trial is likely to take time to conclude. Similarly situated co-accused Doulat @ Doulat Ram has already been granted concession of regular bail by this Court, vide order dated 20.12.2024 passed in ***CRM-M-56427-2024***. No useful purpose would be

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served by keeping the petitioner 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 the petitioner is not entitled to get benefit of bail as there are serious allegations against him. Though he was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime was established. The allegation against petitioner is that he had supplied the contraband to the co-accused. Trial may be expedited. 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 co-accused Satish @ Mintu and Pawan. Subsequent to his arrest, no recovery has been effected from him. Similarly situated co-accused Doulat @ Doulat Ram has already been granted concession of regular bail by this Court, as mentioned above. The petitioner is shown to be involved in one more case of similar nature but he is stated to be on bail in that case. A perusal of the status report reveals that there are total 16 prosecution witnesses but none has been examined so far, which means that the conclusion of trial is likely to take time. The petitioner is in custody since 20.04.2024. 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 petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety

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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.

28.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No