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

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**CRM-M-21227-2025 (O&M)
Date of decision : 03.09.2025**

Shubham @ Shubi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Himani Arora, 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. 172 dated 16.07.2019, registered under Sections 21(b) and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Ratia, District Fatehabad.

2. Brief facts of the case relevant for the disposal of the present petition are that on 15.07.2019, co-accused Babla Singh was apprehended by a police party and recovery of 07 grams of heroin was effected from him. Upon interrogation, he disclosed that he had purchased 08 grams of heroin from the present petitioner for a sum of Rs.12,000/-, out of which, he had consumed some part of it. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 13.10.2019. He was granted concession of regular bail by the learned trial Court on 19.11.2019. Subsequently, the bail

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of the petitioner was cancelled due to his non-appearance before the Court on 04.04.2022 and proclamation proceedings were initiated against him. However, it was found that the petitioner was in custody in connection with some other case. After coming out of the jail in the said case, the petitioner was re-arrested in this case on 29.08.2024 and since then, he is in custody.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused, which is not admissible in evidence. He is on bail in other cases. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as no prosecution witness has been examined so far. After his re-arrest, the petitioner is in custody since 29.08.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. 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 above named co-accused. The quantity of heroin recovered

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in this case is only 07 grams, which obviously does not fall under commercial quantity. The petitioner has been in long incarceration. The trial is yet to start as no prosecution witness has been examined so far. Although the petitioner is involved in some other cases but he is on bail in those cases. 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 and surety bonds to the extent of two sureties to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioner shall also furnish copy of his Aadhar Card as well as contact details to the learned trial Court and shall not leave the country without prior permission of the Court. 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.

03.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No