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

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**CRM-M-25001-2025 (O&M)
Date of decision : 21.05.2025**

Ashraf Shah**...Petitioner**

Versus

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

Present:- Mr. Sanjiv Kumar Aggarwal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail in case arising out of FIR No. 359 dated 11.05.2024, registered under Sections 18, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Shahabad, District Kurukshetra. The first petition, bearing number **CRM-M-64047-2024**, was dismissed by this Court on 30.01.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 11.05.2024, on the basis of a secret information, co-accused Himanshu @ Hemant @ Himmat was apprehended by a police party headed by Inspector Mohan Lal and recovery of 04 kgs. 600 grams of opium was effected from him. Upon interrogation, he disclosed that the recovered contraband was supplied to him by the petitioner, who was arrested on 17.05.2024. Upon interrogation, the petitioner disclosed that he

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used to buy opium from co-accused Riyajuddin. He also disclosed that he used to sell opium to co-accused Leela Devi and some other persons. These persons were also nominated in this case and were arrested. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence against him. There is nothing on record to connect the petitioner with the subject crime. No subsequent recovery has been effected from the petitioner. The petitioner has been falsely implicated in one more case but he has been granted concession of bail in that case, vide order dated 27.07.2023, passed by the learned Additional Sessions Judge, Kurukshetra. It is further argued that even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 17.05.2024. He is no more required for any custodial interrogation. No useful purpose would be served by keeping him in custody anymore. Co-accused Riyajuddin and Leela Devi have already been granted concession of regular bail by this Court, vide orders dated 24.04.2025 and 30.04.2025, passed in **CRM-M-10089-2025** and **CRM-M-3691-2025**, respectively. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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4. Custody certificate of the petitioner has been filed by the respondent-State. 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. He used to supply contraband to co-accused Himanshu @ Hemant and other persons. Trial has commenced and the same would be concluded in due course. Hence, it is urged 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 statement suffered by co-accused Himanshu @ Hemant @ Himmat, who was apprehended at the spot on 11.05.2024 and from whom, recovery of aforesaid contraband was effected. The allegations against the petitioner are that he used to supply the contraband to co-accused. However, no subsequent recovery is shown to have been effected from him. He is on bail in another case registered against him. Co-accused Riyajuddin and Leela Devi have already been granted concession of regular bail by this Court, as mentioned above. The petitioner was arrested on 17.05.2024. Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him 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

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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.

21.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>