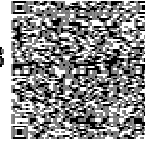


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-25108-2025 (O&M)
Decided on : 22.05.2025**

Devi Dayal**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Himani Anand, Advocate
for the petitioner.

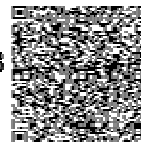
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case arising out of FIR No. 139 dated 18.07.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Section 29 of the NDPS Act added later on] at Police Station Pehowa, District Kurukshetra.

2. Brief facts of the case relevant for the disposal of the present petition are that on 18.07.2024, on the basis of a secret information, co-accused Daljeet Singh was apprehended by a police party headed by ASI Sukhvir Singh and recovery of 1000 tablets of Clovidol-100 and 500 tablets of Tramadol Prolonged-release containing salt of Tramadol Hydrochloride was effected from him. Upon interrogation, the aforesaid co-accused named one Daler Singh, who on being arrested disclosed that he had purchased intoxicant drugs from the petitioner. The petitioner was arrested on 19.07.2024. Upon interrogation, he disclosed that co-accused Deepak @

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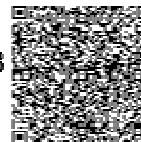


Deep surfaced in this case on the allegations that he used to purchase intoxicating drugs from Deepak @ Deep. Co-accused Deepak @ Deep was arrested on 28.08.2024. Upon interrogation, he disclosed that he used to purchase contraband from co-accused Mukesh Pal. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

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 a series of disclosure statements made by the co-accused, which are not admissible in evidence against him. No recovery has been effected from him. The petitioner has falsely been implicated in one more case of similar nature but he is on bail in that case. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take a long time. The petitioner is in custody since 19.07.2024. No useful purpose would be served by keeping him in custody anymore. Similarly situated co-accused Deepak @ Deep has already been granted concession of regular bail by this Court, vide order dated 09.05.2025 passed in **CRM-M-1999-2025**. Even co-accused Mukesh Pal has been granted concession of bail by this Court today itself, vide order of the even date passed in **CRM-M-2735-2025**. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. *Per contra*, learned Assistant Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of bail as he along with

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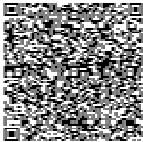


co-accused was involved in sale/purchase of intoxicant drugs. He is involved in one more case of similar nature. Call details record of the petitioner and co-accused was obtained and an analysis of the same revealed that they were talking to each other on phone frequently. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. 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 a series of disclosure statements suffered by co-accused. No subsequent recovery is shown to have been effected from the petitioner. Although, he is shown to be involved in one more case of similar nature but that alone cannot be a ground to deny him the benefit of bail. Though it is mentioned in the status report that there was exchange of calls between the petitioner and other co-accused but no transcript of the conversation has been placed on record. It is well established that mere call details, without the transcript of the conversations exchanged between the accused persons, would not be considered to be corroborative material in absence of substantive material found against them. The petitioner is in custody since 19.07.2024. Investigation has since been completed and *challan* has been filed. Conclusion of trial would obviously take time. Similarly situated co-accused have already been granted concession of regular bail by this Court, as mentioned above. 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

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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 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.

22.05.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No