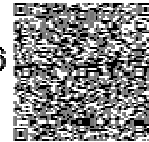


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-34400-2024 (O&M)
Date of decision: 08.01.2025

Pardeep Kumar alias Pradeep Kumar**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in case arising out of FIR No. 125 dated 01.06.2024, registered under Sections 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kalka, District Panchkula.
2. Brief facts of the case relevant for the disposal of the present petition are that on 01.06.2024, on the basis of secret information, co-accused Vimal Kumar was apprehended by a police party headed by SI Satinder Singh and recovery of 1200 tablets of LOMOTIL was effected from him. He was formally arrested at the spot. During the course of investigation, the disclosure statement of above named co-accused was recorded, wherein he stated that he had purchased the recovered contraband from the present petitioner, who used to run a medical clinic. On the basis of the said disclosure, the petitioner was nominated in this case and was arrested on 03.06.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court

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and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offence.

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 law against the petitioner. There is nothing on record to connect the petitioner with the subject offence. The story put forth by the police party is concocted one. The mandatory provisions of the NDPS Act were not complied with. Investigation has since been completed and *challan* has been presented. The trial is likely to take time. The petitioner is in custody since 03.06.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed. Learned counsel for the petitioner has placed reliance upon the order dated 11.12.2024 passed by the co-ordinate Bench of this Court in ***CRM-M-33921-2024***, whereby the accused was granted concession of regular bail in a similar case.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that though the petitioner was nominated in this case on the basis of the disclosure statement but during the course of investigation, his complicity in commission of subject offence has been duly established. The petitioner used to sell intoxicant tablets to the above named co-accused by procuring the same from one Sanju, who is a resident of Bareilly. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. It is submitted that since a commercial quantity of the contraband has been recovered

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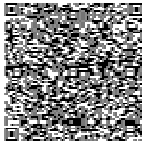


in this case, the rigors of Section 37 of the NDPS Act would be attracted. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

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, from whose possession; recovery of 1200 intoxicant tablets was effected, which obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted in this case. The allegation against the petitioner is that he used to sell the intoxicant tablets to the co-accused. The petitioner, on interrogation, has nominated one Sanju, from whom, he used to procure the intoxicant tablets. The petitioner is stated to be a part of a group, which is involved in sale and purchase of intoxicating drugs. Investigation has since been completed. *Challan* has been presented. The trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension raised by learned Assistant Advocate General, Haryana that the petitioner, if extended bail, can abscond or indulge in similar offences cannot be stated to be unfounded, at this stage. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. So far as the aforesaid order as relied upon by the petitioner is concerned, it is well settled

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proposition of law that the orders of bail are not necessarily orders of any precedental value. Reliance in this regard can be placed upon the authority cited as *Gajanand Agarwal vs. State of Orrisa and others : 2006(4) R.C.R.(Criminal) 311*. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.01.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

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