

2025:PHHC:014350



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

210+217

1. CRM-M-46897-2024 (O&M)

Daler Singh	...Petitioner
Versus	
State of Haryana	...Respondent

2. CRM-M-3608-2025

Devi Dayal	...Petitioner
Versus	
State of Haryana	...Respondent

Date of decision: 31.01.2025

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anirudh Singh, Advocate
for the petitioner in CRM-M-46897-2024.

Ms. Himani Anand, Advocate
for the petitioner in CRM-M-3608-2025.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above noted two petitions as these petitions arise out of the same FIR and seek similar relief.
2. These petitions have been filed by the petitioners under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to above named petitioners in case FIR No. 139 dated 18.07.2024, registered under Sections 22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Pehowa, District Kurukshetra.

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3. Brief facts of the case relevant for the purpose of disposal of the present petitions are that on 18.07.2024, on the basis of a secret information, co-accused Daljit Kumar was apprehended by a police party headed by ASI Sukhvir Singh and recovery of 1000 tablets of Clovidol-100 and 500 tablets of Tramadol Hydrochloride was effected from him. He was formally arrested at the spot. On interrogation, he disclosed that he had purchased the recovered contraband from petitioner Daler Singh. On the basis of the same, petitioner Daler Singh was nominated in this case and was arrested on 19.07.2024. On interrogation, he disclosed that he had purchased two boxes of intoxicant tablets i.e. Clovidol-100 from petitioner Devi Dayal, on which petitioner Devi Dayal was also nominated in this case and was arrested on 19.07.2024 by way of production warrant as he was already in custody in connection with some other case. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioners along with the co-accused are facing trial for commission of aforesaid mentioned offences. They had moved applications before the trial Court for grant of regular bail but the same had been dismissed.

4. Learned counsel for the petitioners have argued that the petitioners have been falsely implicated in this case. The petitioners were neither named in the secret information nor were found at the spot and have been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime. The petitioners are in custody since 19.07.2024. Investigation has since been completed and challan has been presented. The trial is likely to take time. No useful purpose would be served by keeping them in custody anymore. It is, therefore, urged that the petitions

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petitioners have relied upon the authority of Hon'ble Supreme Court rendered in *Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1*.

5. Reply has been filed by the respondent-State in CRM-M-46897-2024. It is submitted therein and learned Assistant Advocate General, Haryana has argued though the petitioners have been nominated in this case on the basis of the disclosure statement but during the course of investigation, their involvement in the subject crime has been established. Co-accused Daljit Kumar had purchased the recovered contraband from petitioner Daler Singh, who in turn, had purchased the same from petitioner Devi Dayal. They are involved in sale/purchase of intoxicant tablets. Petitioner Devi Dayal is involved in one more case under the NDPS Act. The trial is going on at a proper pace. It is also argued that if the petitioners are released on bail, they may abscond or indulged in similar offences. It is, thus, argued that the petitions are liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

7. As per the allegations, co-accused Daljit Kumar was apprehended by the police party on 18.07.2024 and recovery of 1000 tablets of Clovidol-100 and 500 tablets of Tramadol Hydrochloride was effected from him. He disclosed that he had purchased the recovered drugs from petitioner Daler Singh and petitioner Daler Singh, on his arrest, had disclosed that he had purchased intoxicant tablets from petitioner Devi Dayal. Both the petitioners were arrested on 19.07.2024 and since then they are in custody. Petitioner Devi Dayal is shown to be involved in one more case under the NDPS Act. The quantity of the recovered contraband obviously falls within the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted

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been presented. Trial is going on 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 State counsel that the petitioners, if extended bail, may abscond or indulge in similar offences cannot be stated to be unfounded at this stage. So far as the ratio of law as laid down by Hon’ble Supreme Court in ***Tofan Singh***’s case (supra) is concerned, the same is not disputed but it stands clarified by Hon’ble Supreme Court in ***State of Haryana vs. Samarth Kumar : 2022(3) RCR (Criminal) 991***, wherein it has been held that the advantage of decision of ***Tofan Singh***’s case (supra) can be taken at the time of final hearing after conclusion of trial and even at the time of regular bail but that alone cannot form sufficient ground to grant regular bail as other parameters are also required to be looked into. Keeping in view the discussion as made above, the quantity of the contraband recovered in this case, 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 petitioners do not deserve to be granted benefit of regular bail, at this stage. Hence, the petitions are dismissed.

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

9. Let a photocopy of this order be placed on the file of the connected case.

31.01.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No