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

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**CRM-M-50504-2024 (O&M)  
Date of decision: 13.02.2025**

**Parveen @ Pinni****...Petitioner**

**Versus**

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

Present:- Mr. Abhijeet Sharma, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, 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. 195 dated 03.08.2024, registered under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Panipat, District Panipat.

2. Brief facts of the case relevant for the disposal of the present petition are that on 03.08.2024, a secret information was received to the effect that the petitioner would come to Bus Stand, GT Road from the side of Sukhdev Nagar while carrying large quantity of intoxicant injections. Believing the information to be reliable, the police party headed by SI Jawaharlal laid a barrier at the informed place and apprehended the present petitioner on the indication given by the secret informer. Thereafter, while following the

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procedure as prescribed under law, personal search of the petitioner was conducted in the presence of a Gazetted Officer and recovery of 15 injections of *Leegesic* having salt of *Buprenorphine* was effected from him. Since the petitioner was not having any valid licence of permit to carry the same, he was formally arrested at the spot. 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 offence. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 04.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the petitioner was detained by the police on 02.08.2024 from the alleged spot and he was kept in custody for whole day and thereafter on the next day i.e. 03.08.2024, the police has staged the incident and showed that he was arrested on 03.08.2024. A perusal of the photographs and CCTV footage, which have been placed on record, would verify the said facts that the petitioner was falsely implicated in this case. It is further argued that the petitioner's family had sold their property which was situated at Panipat and a police official namely ASI Naresh, who was posted at CIA-2 Panipat, was aware of the same being their neighbour and it was only for extracting money from the petitioner that he had been implicated in this case. Even the independent witness namely Rohit, who was joined by the police at the time of effecting recovery, in fact is not a private person as he was working with CIA-2 Panipat on contract basis as a Cook/Helper. This fact can be verified from the photograph (Annexure P-12), which is a screenshot of the

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Whatsapp profile picture of said Rohit, wherein he can be seen to be posing with two police officials. All this goes to show that the petitioner has been falsely implicated in this case. More so, the petitioner is not maintaining good health as he is suffering from Prolapsed Intervertebral Disc, for which, he needs proper medical care, which is not possible while in custody. It is further argued that the mandatory provisions of the NDPS Act were not complied with properly. The petitioner is in judicial custody since 03.08.2024. He is not involved in any other case and has clean criminal antecedents. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore as he is no more required for any custodial interrogation. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report as well as short reply have already been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has opposed the prayer made by the petitioner by arguing that he was apprehended by the police party at the spot and recovery of 15 injections of *Leegesic* having salt of *Buprenorphine* was effected from them. The claim of the petitioner regarding his false implication is false and baseless. Proper procedure as prescribed under the law was followed during the course of investigation. The trial may be expedited. If released on bail, the petitioner may 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. As per the allegations, the petitioner was apprehended by the

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police party on 03.08.2024 and recovery of 15 injections of *Leegesic* having salt of *Buprenorphine* was effected from him. The petitioner has claimed that he was in fact arrested on 02.08.2024 and the police has staged the entire incident on 03.08.2024 to show his arrest on that day. The petitioner has also claimed that the police party, in connivance with ASI Naresh, who was his neighbour, had implicated him in this case only for the purpose of extracting money from his family, which they had received by selling their property. It is also the claim of the petitioner that alleged independent witness namely Rohit was in fact associated with the police officials of CIA-2 Panipat as he was working as a Cook/Helper with them on contract basis and was aware of the said fact. Neither in the status report nor in short reply, as filed by the respondent-State, this fact has been controverted. In support of his aforementioned claims, the petitioner has placed on record certain photographs and CCTV footage. Though, the authenticity of the same cannot be assessed at this stage, however, it seems to this Court that there are some arguable points in this case, which can be decided by the learned trial Court after appreciating entire material and evidence produced on record before it, which would obviously take time. The petitioner is in judicial custody since 03.08.2024. He has clean criminal antecedents. There is no basis to state that if released on bail, he may abscond or indulge in similar offences. Keeping in view the aforesaid facts, 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 bonds and two heavy sureties to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution

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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.

13.02.2025

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*