

2025:PHHC:003630



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

307

CRM-M-56545-2024 (O&M)
Date of decision: 14.01.2025

Mohan Lal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ravi Rana, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case arising out of FIR No. 197 dated 25.08.2024, registered under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sector 14, Panchkula.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 25.08.2024, co-accused Parmod Kumar was apprehended by a police party and recovery of 6240 intoxicant capsules, having salt of Paracetamol Dicyclomine Hydrochloride and Tramadol Hydrochloride, 1950 tablets of Alprazolam and 50 small bottles of Chlorampheniramine Maleate and Codeine Phosphate was effected from him. During the course of investigation, the disclosure statement of aforesaid co-accused was recorded, wherein he disclosed that he had purchased the recovered contraband from one Sunil. On 28.08.2024, co-accused Sunil and Azad were arrested.

Co-accused Sunil nominated one Shaukat, from whom he had procured the

2025:PHHC:003630



contraband. Co-accused Shaukat was also arrested on 30.08.2024. His disclosure statement was recorded, wherein he stated that he had purchased the contraband from the present petitioner. On the basis of the said disclosure, the petitioner was nominated as accused in this case and was arrested on 24.09.2024. The case is still under investigation. The petitioner had moved an application before the Court of learned Additional Sessions Judge, Panchkula for grant of regular bail but the same had been dismissed, vide order dated 05.11.2024.

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, who himself was nominated by a co-accused, which is not admissible in law against the petitioner. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in *Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1*. It is further argued that the no subsequent recovery has been effected from the petitioner. The petitioner is not involved in any other criminal case. There is nothing on record to connect the petitioner with the subject crime. The petitioner is in custody since 24.09.2024. The case is still under investigation. No useful purpose would be served by keeping the petitioner in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

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

2025:PHHC:003630



the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime has been established. The petitioner had supplied the contraband to the co-accused, which in turn was sold to co-accused Parmod Kumar. Call details record of the petitioner and co-accused Shaukat was procured and a perusal of the same would show that they were in constant touch with each other during relevant time. It is, thus, argued that the petition is liable to be dismissed.

5. In reply, learned counsel for the petitioner has relied upon an order dated 23.08.2023, passed by the Hon'ble Supreme Court in Special Leave to appeal (Crl.) No. 6599/2023, titled as ***Ajmal T. A. @ Kuru vs. State of Kerala***, whereby in similar circumstances, the petitioner-accused had been granted concession of regular bail by observing that there was remote likelihood of the petitioner's involvement as the alleged involvement was entirely based upon the co-accused's statement and alleged call details record.

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

7. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Shaukat, who himself was nominated by co-accused Sunil. A perusal of the record reveals that co-accused Sunil was nominated by main accused Parmod Kumar, who was apprehended by the police party at the spot and from whom, the recovery of aforementioned contraband was effected. After the arrest of the petitioner, nothing incriminating was recovered from him. The case is still under investigation. The petitioner is in judicial custody since 24.09.2024. At this stage, there is nothing on record to connect the petitioner with the subject crime, except the

2025:PHHC:003630



aforesaid call details record, whereby he is shown to be in touch with co-accused Shaukat. However, as per ratio of law as laid down by Hon’ble Supreme Court in above cited authority, the same alone cannot be a ground to deny the benefit of bail to the petitioner as no subsequent recovery of any narcotic substance was effected from him. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by detaining the petitioner 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 involved in any other subsequent case.

8. 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.

14.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No