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

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**CRM-M-58955-2024 (O&M)
Date of decision: 17.02.2025**

Mahender Kumar @ Rinku**...Petitioner**

Versus

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

Present:- Mr. Sandeep Kotla, 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, on the basis of a secret information, co-accused Parveen @ Pinni was apprehended by the police party 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. During the course of investigation, the above named co-accused disclosed that he had purchased the recovered contraband from the present petitioner. On the basis of the same, the petitioner

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was nominated in this case as an accused and was arrested on 03.08.2024. 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 28.08.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case only on the basis of the disclosure statement suffered by aforesaid co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject offence. Learned counsel for the petitioner has drawn attention of this Court to Rule 66 of the Narcotic Drugs and Psychotropic Substances Rules, 1985, as per which, even without any medical prescription, 100 doses of such like psychotropic substance could be retained by an individual. Even otherwise, 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. Co-accused Parveen @ Pinni has already been granted concession of regular bail by this Court, vide order dated 13.02.2025 passed in CRM-M-50504-2024. On the grounds of parity, the petitioner too deserves to be granted the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail. To fortify his arguments, learned counsel for the petitioner has relied upon an

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order dated 04.11.2015 passed by the Division Bench of this Court in ***CRM-M-52207-2014***, titled as ***Saleem Mohd vs. State of Punjab***, wherein an accused, from whom recovery of 22 injections of *Buprenorphine* was effected, was granted concession of regular bail.

4. Status report has 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 though he was nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused but during the course of investigation, his complicity in the subject crime has been established. He used to supply intoxicant drugs to the co-accused. The trial may be expedited. 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 was nominated in this case on the basis of the disclosure statement suffered by co-accused Parveen @ Pinni, from whose custody, recovery of 15 injections of *Leegesic* having salt of *Buprenorphine* was effected. The allegations against the petitioner are that he used to supply contraband to the co-accused. It is worth mentioning here that co-accused Parveen @ Pinni has been granted concession of regular bail by this Court keeping in view the fact that there are some arguable points in this case as the person, shown as independent witness, was in fact found to be associated with the police. The investigation has since been completed and *challan* has been filed. The trial would obviously take time. Keeping in view the aforesaid facts as well as Rule 66 *ibid*, I am of the considered opinion that no useful purpose

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would be served by keeping 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 bonds and two heavy sureties 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.

17.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No