

2025:PHHC:048068



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

220

CRM-M-63410-2024 (O&M)
Date of decision: 08.04.2025

Naveen @ Fachur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep K. Sharma, Advocate and
Ms. Saroj Kumari, Advocate
for the petitioner.

Mrs. Sheenu Sura, DAG, 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. 280 dated 11.09.2023, registered under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station IMT Rohtak, District Rohtak.

2. Brief facts of the case relevant for the disposal of the present petition are that on 11.09.2023, a secret information was received by a police party headed by SI Narendra to the effect that Deepak @ Kallya, Rahul @ Fui, petitioner Naveen @ Fachur, Mohit @ Leela and Bobby were indulged in the business of selling psychotropic substances. It was also informed that even on that day, they were bringing intoxicating drugs from Delhi and were standing at Delhi Bypass awaiting a vehicle to go to Delhi Rohtak road outer bypass. Believing the information to be reliable, the police party rushed

2025:PHHC:048068



towards the informed place and found that above named five persons were standing there. The police officials tried to apprehend them but three of them succeeded in running away but two persons, namely Deepak @ Kallya and Rahul @ Fui, were apprehended. They disclosed the names of the person, who ran away from the spot, as Naveen @ Fachur (petitioner), Mohit @ Leela and Bobby. Recovery of 185 bottles of WINCEREX-T Syrup 100 ml each was effected from the above named persons, who were apprehended at the spot. They could not produce any licence or permit to keep in their possession the recovered contraband. During the course of investigation, co-accused Bobby @ Abhishek was arrested on 03.11.2023, whereas the petitioner was arrested on 03.10.2023. 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 before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 22.07.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The alleged recovery was in fact effected from co-accused and not from the petitioner. He has been implicated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence against him. No subsequent recovery has been effected from the petitioner. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and challan has been presented. The trial is likely to take a long time. The petitioner is in custody since 03.10.2023. No useful

2025:PHHC:048068



purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Detailed reply has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that the petitioner was duly named in the secret information and was present at the informed place but he succeeded in running away. He has not been nominated in this case solely on the basis of the disclosure statement suffered by the co-accused. A huge quantity of the contraband has been recovered in this case. The petitioner is a habitual offender as he is involved in two more criminal cases, out of which, one case has been registered under the NDPS Act against him. Call details record of the petitioner and other co-accused was procured and on analysis of the same, it transpired that they were in constant touch with each other during relevant time, which shows that they were actively involved in commission of subject crime. Trial may be expedited. It is also argued that if the petitioner is released on bail, he can abscond or indulge in 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. As per the allegations, in pursuance of a secret information, in which, the petitioner and other co-accused were named as the persons being involved in selling intoxicating drugs by bringing the same from Delhi, a raid was conducted at the informed place but the petitioner and two more co-accused successfully escaped, whereas co-accused Deepak @ Kallya and Rahul @ Fui were apprehended, from whose possession, a commercial

2025:PHHC:048068



quantity of the contraband was recovered. The petitioner was also named by the accused persons apprehended at the spot. He was subsequently arrested. Hence, the contention of learned Deputy Advocate General, Haryana finds strength that the petitioner has not been nominated solely on the basis of the disclosure statement suffered by the co-accused. He is also shown to be involved in one more case under the NDPS Act. Merely because the petitioner is in extended/prolonged period of incarceration is not a ground to extend benefit of bail as a huge quantity of the contraband, which obviously falls within the ambit of commercial quantity, has been recovered in this case. The apprehension expressed by learned Deputy Advocate General, Haryana that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. 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.

08.04.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*