



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

227

CRM-M-65046-2024

Date of decision: 18th February, 2025

Shokat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Rajiv Sidhu, Senior Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 197 dated 25.08.2024 registered under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') 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 (weighing 3kg.295 grams) having salt of Paracetamol Dicyclomine Hydrochloride and Tramadol Hydrochloride, 1950 tablets (weighing 241.8 grams) 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 the petitioner-Shokat, from whom he had procured the contraband. The petitioner was also arrested on 30.08.2024. His disclosure statement was recorded, wherein he stated that he had purchased the contraband from the accused Mohan Lal. On the basis of the said disclosure, the Mohan Lal was nominated as accused in this case and was arrested on 24.09.2024. The accused Mohan Lal was extended benefit of anticipatory bail. Investigation qua the petitioner and co-accused stands concluded and challan has since been presented. The petitioner moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Panchkula, which was dismissed vide order dated 02.12.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Sunil which cannot be considered to be admissible in evidence. No recovery has been effected from him. Investigation stands concluded. Trial is likely to take time. He does not have any criminal antecedents. His further incarceration would not serve any useful purpose. The co-accused Mohan Lal whose case is on similar footing, has since been extended benefit of bail. Therefore, it is urged that he deserves to be released on bail. Learned counsel for the petitioner has also placed reliance upon the 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*, wherein the petitioner-accused of similar circumstances had been extended benefit of regular bail by observing that there was remote likelihood of his involvement as the same was based on statement of the co-accused and alleged call details record.

4. Status report has been filed by respondent-State. Learned Senior Deputy Advocate General, Haryana, has argued that there are serious allegations against the petitioner. The bank account statement of the petitioner had been collected during the course of investigation which reveals the factum of transaction of money with the co-accused. Also, there was exchange of phone call and call detail record of the petitioner and co-accused- Mohan Lal also shows so. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner has been nominated in this case on the basis of disclosure statement made by the co-accused Sunil, who too was nominated by the co-accused Parmod Kumar. No recovery has been effected from the petitioner. The investigation stands concluded. Trial is likely to take time. The petitioner is in custody since 30.08.2024. The fact that there was call detail record between the petitioner and co-accused Mohan Lal by itself is not sufficient to connect the accused with the subject crime at this stage. In *Ajmal T.A.'s case (supra)*, the Hon'ble Supreme Court had observed that the call detail record alone is not a ground to deny benefit of bail to an



accused, if no subsequent recovery of any narcotic substance has been 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.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th February, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*