

2025:PHHC:100552



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

CRM-M-65209-2024 (O&M)

Reserved on : 01.08.2025

Pronounced on : 07.08.2025

Bobby @ Bobby

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Akashdeep Singh, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

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 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 to the effect that Deepak @ Kallya, Rahul @ Fui, Naveen @ Fachhar, Mohit @ Leela and the present petitioner were involved in illegal business of selling intoxicating drugs and even on that day, they were bringing prohibited Wincerex medicine from Delhi. Believing the information to be reliable, the police immediately reached at the informed place and found that five young boys were standing there carrying bags in their hands. Two of them, namely Deepak @ Kallya and

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Rahul @ Fui, were apprehended by the police party but three boys succeeded in running away from the spot. Upon interrogation, the above named co-accused disclosed that the boys, who ran away from the spot, were Naveen @ Fachhar, Mohit @ Leela and the present petitioner. Upon search, 185 bottles of Winerex-T were recovered from Deepak @ Kallya and Rahul @ Fui, each. Since they could not produce any valid license or permit to keep in their possession the recovered drug, they were formally arrested at the spot. Subsequently, the petitioner was arrested on 03.11.2023. He suffered disclosure statement admitting his involvement in the subject crime. 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 aforesaid mentioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was not arrested from the spot. No subsequent recovery has been effected from him. He is not involved in any other case and has clean antecedents. It is the claim of the prosecution that they had procured calls detail record of the petitioner with co-accused but the same has not been made part of the *challan*. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 03.11.2023. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Reply has been filed by the respondent-State. Learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the

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allegations levelled against the petitioner, he is not entitled to get benefit of bail. 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 not arrested at the spot. No subsequent recovery is shown to have been effected from him. He is not even shown to be involved in any other case. Admittedly, there is no transcription of the calls having taken place between the petitioner and co-accused nor the calls detail record has been made part of the *challan* report. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time as out of total 26 prosecution witnesses, only 05 witnesses have been examined so far. The petitioner is in custody since 03.11.2023. Keeping in view the aforesaid facts and circumstances, 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/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.

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.

07.08.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*