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

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CRM-M-1689-2025 (O&M)
Date of decision: 05.03.2025

Harish Kumar @ Rishu**...Petitioner**

Versus

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

Present:- Mr. Ankush Bharti, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 124 dated 01.06.2023, registered under Sections 15C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ding, District Sirsa. The first petition, bearing **CRM-M-44618-2024**, was dismissed by this Court on 12.11.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 31.05.2023, co-accused Gagan @ Sonu and Vinod Kumar @ Bablu, while coming in a car bearing registration number HR-24-GV-7647, were apprehended by a police party and recovery of 60 kgs. of poppy husk was effected from them. They named one Ramesh Kumar as their accomplice. During his interrogation, he disclosed that the recovered contraband was got delivered to aforesaid co-accused through Rohit @ Lala and Sandeep at the

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rate of Rs. 3,000/- per kg. He also disclosed that the petitioner is also indulged with them in the business of selling poppy husk. On the basis of the same, the petitioner was nominated in this case and was arrested on 21.05.2024. 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 aforesaid mentioned offence.

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, which is not admissible in evidence. 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 no subsequent recovery was effected from the petitioner and he is not involved in any other case. Investigation has since been completed and *challan* has been presented. The petitioner is in judicial custody since 21.05.2024. The trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Even otherwise, co-accused Ramesh Kumar, on whose disclosure the petitioner was nominated in this case, has been granted concession of regular bail by this Court, vide order dated 11.12.2024 passed in *CRM-M-49691-2024*. Co-accused Gagan @ Sonu has also been granted concession of regular bail by Hon'ble Supreme Court, vide order dated 28.11.2024 passed in Criminal Appeal No. 4899 of 2024, titled as *Gagan @ Sonu vs. State of Haryana*. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

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4. Status report has already 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 the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime was duly established. The petitioner used to supply the contraband to the co-accused. Trial is going on at a proper pace. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner has been nominated in this case on the basis of the disclosure made by aforesaid co-accused Ramesh Kumar with the allegations that he was also involved with the said co-accused in commission of subject offence. A perusal of the record reveals that co-accused Ramesh Kumar has already been granted concession of regular bail by this Court. Apart from him, co-accused Gagan @ Sonu has also been granted concession of regular bail, as mentioned above. The petitioner is in custody since 21.05.2024. He is not shown to be involved in any other case. No subsequent recovery has been effected from him. Investigation has since been completed and *challan* has been presented. The trial is likely to take time. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose 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/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the

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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.

05.03.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>