



CRM-M-54189-2025

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

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Decided on :07.04.2026

Aakash Alias Rinku

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. V.B. Godara, Advocate for the petitioner.

Mr. Parveen Kumar, Addl. A.G., Haryana.

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SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS seeking regular bail in case FIR No.153 dated 12.05.2022 under Sections 21(c)/27-A of NDPS Act, and Section 201 IPC, registered at Police Station Bhuna, District Fatehabad.

2. A secret information was received regarding one Mohan Lal (the main accused in the present case), to the effect that he was involved in dealing with narcotic substances and could be apprehended with a huge quantity if a raid was conducted on the same day.

Accordingly, main accused-Mohan Lal, was apprehended while riding a motorcycle. Upon his personal search, conducted in the presence of Sh. Vijay Sharma, SDE, PWD (B&R), Bhuna, 505 grams of heroin were recovered from a transparent polythene bag in his possession.



During the course of investigation, main accused-Mohan Lal made a disclosure statement stating that he had purchased the recovered contraband from an unknown Nigerian individual in the Delhi area. He further disclosed that the purchase of the contraband was financed by the co-accused, namely Sheelu, Kalu, Inderjeet, Anil Chila, and Tinku. He also stated that the motorcycle used for transporting the contraband had been provided by co-accused-Anil Chila. Accordingly, Sections 27-A and 29 of the NDPS Act were added to the present case.

During further investigation, co-accused-Mukesh Kumar @ Sheelu, Anil Chila, and Inderjeet were arrested on 23.06.2022. At the time of arrest of co-accused Mukesh Kumar @ Sheelu, one mobile phone bearing SIM No. 86070-27927 was recovered from his possession.

On 27.07.2022, co-accused Gurpreet Singh @ Tinku and the petitioner, Aakash @ Rinku, were joined in the investigation after obtaining permission from the Court. Subsequently, Section 201 IPC was added to the case on account of the destruction of a mobile phone by the said accused, namely Gurpreet Singh @ Tinku and Aakash @ Rinku(petitioner herein).

3. Learned counsel for the petitioner argues that, although petitioner is involved in approximately 54 criminal cases, as detailed in paragraph No. 21 of the status report, he has been convicted in only one case under the provisions of NDPS Act. All other cases pertain to offences not covered under the provisions of the NDPS Act. It is, therefore, submitted that merely because petitioner is known to the

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police officials, he has been falsely implicated in the present case to inflate the number of accused persons for ulterior motives. It is further contended that there is no substantive evidence available with the prosecution to connect the petitioner with the recovery effected in the present case or with any of the co-accused of the main accused, namely Mohan Lal.

4. It is further argued that no mobile phone was recovered from the possession of the petitioner. To overcome this deficiency, Investigating Officer has invoked Section 201 IPC by alleging that the petitioner destroyed a mobile phone. However, it is submitted that at the time of his alleged involvement in the present case, or even prior thereto, petitioner was already in judicial custody. Therefore, the allegation of destruction of a mobile phone is baseless, as no such mobile phone was ever in his possession, nor is there any evidence to establish that the petitioner had access to or retained any mobile phone while he was in jail. Therefore, counsel prays for grant of regular bail.

5. I have considered the submissions made and have gone through the record, along with the list of approximately 54 cases mentioned in paragraph No. 21 of the status report.

6. Undoubtedly, petitioner has been convicted in around 13 cases; however, only in FIR No. 237 dated 09.07.2019, registered under the provisions of the NDPS Act at Police Station Bhuna, was the conviction under the NDPS Act recorded. In all other cases, petitioner was either acquitted by the Court, or he confessed his guilt, or had

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already undergone the sentence period, which has been treated as the period already undergone. This is how petitioner is shown to be involved in multiple cases.

7. While considering the allegations vis-à-vis petitioner, this Court is surprised to note that petitioner, while in custody, is alleged to have been in contact with other accused in the present case through a mobile phone, a fact which appears not to have come to the knowledge of Superintendent or other jail officials. Either the allegations are false, or there has been some form of connivance or negligence on the part of the jail authorities in facilitating access to a mobile phone, as alleged in the present case. Such an aspect requires serious introspection by the Home Department of the State of Haryana to prevent future complications and to maintain public order, particularly in situations where accused/prisoners, already in custody, are able to engage in such activities. Such a situation is wholly unacceptable and is not expected, especially by the Courts.

8. With the aforementioned observations and without expressing any opinion on the merits of the case, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case.



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Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

07.04.2026
Rashmi

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No