

2025:PHHC:033893



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

**CRM-M-2650-2025 (O&M)  
Reserved on : 06.03.2025  
Pronounced on : 11.03.2025**

**Bindu Chaudhary**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Goyat, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, 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. 512 dated 20.06.2023, registered under Sections 17C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Civil Lines Sirsa, District Sirsa.

2. Brief facts of the case relevant for the disposal of the present petition are that on 20.06.2023, on the basis of a secret information, co-accused Raju Yadav and Anil Kumar Yadav were apprehended by the police party and recovery of 3.30 kgs. of opium was effected from the bag, which was hanged on the waist of co-accused Raju Yadav. Both of them were formally arrested at the spot. During the course of investigation, disclosure statement of co-accused Ravi Yadav was recorded on 21.06.2023, wherein he disclosed that he had purchased the recovered contraband from one Ravi Kant at the rate of Rs. 1,50,000/- per kg. Thereafter, on 23.06.2023, a second disclosure statement of co-accused Ravi

2025:PHHC:033893



Yadav was recorded, wherein he, by changing his earlier stand, disclosed that rather he used to work for the present petitioner and he did not tell his name at first instance due to fear as he was a notorious drug peddler. He also disclosed that he had purchased the recovered contraband from the petitioner at the rate of Rs. 1,50,000/-. On the basis of the same, the petitioner was nominated in this case but could not be apprehended. Later on, it came to the notice of the police that he was arrested in the State of Jharkhand in connection with a case registered under Section 307 of IPC including some other sections of IPC. His custody was taken in the present case as well by way of production warrant on 20.07.2024. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 17.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused, which is not admissible in evidence. Even the aforesaid co-accused had not named the petitioner in his first disclosure and it was on the basis of his second disclosure recorded on 23.06.2023 that the petitioner was nominated in this case, when he was in custody in Jharkhan in connection with some other case. This shows that the petitioner has been falsely implicated in this case. No subsequent recovery has been effected from the petitioner. There is nothing on record to connect the petitioner with the subject crime, except the disclosure statement of the aforesaid co-accused. Even otherwise, investigation has since been completed and *challan*

2025:PHHC:033893



has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 20.07.2024. No useful purpose would be served by keeping him in custody anymore. More so, co-accused Anil Kumar Yadav, who was apprehended at the spot along with co-accused Raju Yadav, has already been granted concession of regular bail by this Court, vide order dated 08.02.2024 passed in *CRM-M-52213-2023*. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that although the petitioner was nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused but during the course of investigation, his complicity in the subject crime has been duly established. He used to supply the contraband to aforesaid co-accused. During investigation, it has been found that the petitioner used to make Whatsapp call to the co-accused to have conversation with him. The petitioner has been convicted in a similar case in the State of Bihar. Trial is going at a proper pace. 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. The petitioner has been nominated in this case on the basis of the second disclosure statement suffered by co-accused Raju Yadav, who was apprehended along with co-accused Anil Kumar Yadav on 20.06.2023 and recovery of 3.30 kgs. of opium was effected from them. The allegations against the petitioner are that he used to supply the contraband to the co-accused.

2025:PHHC:033893



However, no subsequent recovery is shown to have been effected from him. He was nominated and arrested in this case when he was in custody in State of Jharkhand in connection with some other case. The petitioner is in custody since 20.07.2024. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. Co-accused Anil Kumar Yadav, who was apprehended at the spot, has already been granted concession of regular bail by this Court, as mentioned above. Therefore, keeping in view the aforesaid facts and circumstances, 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 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.

**11.03.2025***Wassem Ansari***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*