



214.

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

CRM-M-11643-2025

Date of decision: 07.03.2025

Aasim

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saleem Ahmed, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition that has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.96, dated 19.02.2023, under Sections 22(C) and 29 of NDPS Act, 1985, registered at Police Station Old Industrial, Panipat, District Panipat.

Learned counsel for the petitioner submits that it is evident that the petitioner, who has no previous criminal antecedents, is a victim of false implication in the present case. Although secret information was received regarding the involvement of prime accused, Nitin, from whom a recovery of 40 injections of Buprenorphine was allegedly made, however, no such secret information was received qua the involvement of the petitioner in drug trafficking. During interrogation of prime accused, Nitin, he allegedly suffered a disclosure statement nominating co-accused, Shubham, who then suffered a disclosure statement nominating co-accused, Amit. After the co-accused,



Amit, was arrested, he also suffered disclosure statement nominating one Adarsh and thereafter, when co-accused, Adarsh, was arrested, he nominated the petitioner as being the alleged supplier of the recovered contraband from prime accused, Nitin. Learned counsel further submits that the credibility of the prosecution case against the petitioner stands further demolished from the fact that on being arrested on 21.07.2024 following the 4th disclosure statement, no recovery of any contraband, much less Buprenorphine was made from the petitioner. Learned counsel has submitted that, in the circumstances, more so when as already submitted earlier, the petitioner has no previous criminal antecedents, the disclosure statement which even otherwise holds little evidentiary value becomes highly suspect. A prayer has, therefore, been made to extend the concession of bail to the petitioner, more so when 12 prosecution witnesses out of 20 cited still remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that no recovery of any contraband was made from the petitioner, who was arrested on 21.07.2024 pursuant to 4th disclosure statement made by co-accused, Adarsh. Learned State counsel, on further instructions, has also not disputed that the petitioner has no previous criminal antecedents. Still on further instructions, learned State counsel has not disputed the stage of trial.

I have heard learned counsel for the parties and perused the material placed on record.



The petitioner has been in custody since 21.07.2024. forearm. It is unlikely that the trial would conclude in the near future as only 08 prosecution witnesses out of 20 cited have been examined so far.

In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

March 07, 2025

sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No