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

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**CRM-M-46063-2025 (O&M)
Date of decision : 03.09.2025**

Naveen @ Fachur**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Ms. Himani Arora, DAG, 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 for grant of regular bail to him in case bearing FIR No. 280 dated 11.09.2023, registered under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station IMT Rohtak, District Rohtak. The previous petition was dismissed on 08.04.2025.

2. The petitioner has been booked in the aforesaid case on the allegations that he along with co-accused Deepak @ Kallya, Rahul @ Fui, Mohit @ Leela and Bobby was indulged in the business of selling psychotropic substances. As per the allegations, on 11.09.2023, on the basis of a secret information that they were present at Delhi-Rohtak road for selling contraband, a police party reached at the informed place and found five persons to be present there. They were tried to be apprehended. Three of them succeeded in running away but two persons, namely Deepak @ Kallya and Rahul @ Fui,

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were apprehended. They disclosed the names of the persons, who ran away from the spot, as Naveen @ Fachur (petitioner), Mohit @ Leela and Bobby. Recovery of 185 bottles of WINCEREX-T Syrup 100 ml each was effected from accused Deepak and Rahul. The petitioner was arrested subsequently on 03.10.2023. 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 aforementioned offence.

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. 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 03.10.2023. More so, similarly situated co-accused Bobby @ Bobby has already been granted concession of regular bail by this Court, vide order dated 07.08.2025 passed in **CRM-M-65209-2024**. On the grounds of parity, the petitioner too deserves to be granted the same benefit. 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. Custody certificate of the petitioner has been filed by the respondent-State. Learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. Hence,

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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. 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. Co-accused Bobby @ Bobby, whose case is at similar footing, has already been granted concession of bail by this Court, as mentioned above. On parity and 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.

03.09.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No