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

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**CRM-M-4478-2025 (O&M)
Date of decision : 24.03.2025**

Pale Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rahul Rathore, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J. (Oral)

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. 301 dated 01.08.2024, registered under Section 20 of the NDPS Act, 1985 at Police Station Ladwa, District Kurukshetra.

2. As per the prosecution case, on 01.08.2024, on the basis of a secret information, co-accused Ajay and Ravinder, while coming on a motorcycle bearing registration number HR-57-B-3925, were apprehended by a police party headed by ASI Rajesh Kumar and recovery of 01 kg. 10 grams of *Charas* was effected from them. During the course of investigation, the above named co-accused suffered disclosure statements to the effect that they had purchased the recovered contraband from the present petitioner for a sum of Rs. 60,000/-. On the basis of the same, the petitioner was nominated in this case and was arrested on 27.10.2024. After completion of investigation, challan has been presented on 25.01.2025 and presently, the petitioner along with co-accused is facing trial for

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commission of aforementioned offence. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 24.12.2024.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He has neither been named in the FIR nor any incriminating material has been recovered from him. He has been nominated in this case only on the basis of the aforesaid co-accused, which is not admissible in evidence. In fact, the co-accused had implicated him in this case due to previous dispute as he had performed marriage with their niece against their wishes and had approached this Court seeking protection of their life and liberty by filing a petition bearing number CRWP-6314-2022, which was allowed, vide order dated 30.06.2022. Even otherwise, investigation has been completed and *challan* has been presented. The trial is likely to take time. The petitioner is in custody since 27.10.2024. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of regular bail. The petitioner is indulged in sale/purchase of narcotic substances and had sold the recovered contraband to the above named co-accused. The criminal antecedents of the petitioner are not clean as he is involved in one more case under the NDPS Act, apart from two other cases under the provisions of IPC. After his arrest, the petitioner had got recovered drug money of Rs. 20,000/-. Call details record of the petitioner with co-accused

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had been obtained, as per which, they were in constant touch with each other during relevant period of time. The trial is going on at a proper pace. There are chances of the petitioner's absconding or indulging in similar offences, if released on bail. It is, thus, 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 has been nominated in this case on the basis of the disclosure statement co-accused Ravinder and Ajay, who were apprehended by the police party at the spot on 01.08.2024 and from whose possession, recovery of 01 kg. 10 grams of *Charas* was effected. The allegations against the petitioner are that he had sold the said contraband to the aforesaid co-accused. The allegations against the petitioner are quite serious. He is shown to be involved in one more case under the NDPS Act, apart from several other criminal cases. A perusal of the call details record of the petitioner with co-accused Ravinder reveals that they had exchanged multiple calls during relevant time. *Challan* has been filed and trial is going on. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that if the petitioner is released on bail, he may abscond or indulge in similar offences, can also not be stated to be unfounded keeping in view his criminal antecedents. Keeping in view the discussion as made above, the criminal antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

24.03.2025

Wassem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No