

2025:PHHC:060747



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

**CRM-M-1999-2025 (O&M)
Reserved on : 07.05.2025
Pronounced on : 09.05.2025**

Deepak @ Deep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sauhard Singh, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, 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 case arising out of FIR No. 139 dated 18.07.2024, registered under Sections 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Pehowa, District Kurukshetra.

2. Brief facts of the case relevant for the disposal of the present petition are that on 18.07.2024, on the basis of a secret information, co-accused Daljeet Singh was apprehended by a police party headed by ASI Sukhvir Singh and recovery of 1000 tablets of Clovidol-100 and 500 tablets of Tramadol Prolonged-release containing salt of Tramadol Hydrochloride was effected from him. Upon interrogation, the aforesaid co-accused named one Daler Singh, who on being arrested named one Devi Dayal. When co-accused Devi Dayal was arrested and interrogated, the name of the petitioner

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surfaced in this case on the allegations that he used to purchase intoxicating drugs from the present petitioner. The petitioner was subsequently arrested on 28.08.2024. 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 offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 18.12.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He has been nominated in this case on the basis of a series of disclosure statements made by the co-accused, which are not admissible in evidence against him. No recovery has been effected from him. The petitioner has falsely been implicated in two more cases of similar nature but he is on bail in one of those cases. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take a long time. The petitioner is in custody since 28.08.2024. 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. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General has argued that the petitioner is not entitled to get benefit of bail as he along with co-accused was involved in sale/purchase of intoxicant drugs. He is involved in two more case of similar nature. Call details record of the petitioner and co-accused was obtained and an analysis of the same revealed that they were talking to each other on phone frequently. It is also argued that if the

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petitioner is released on bail, he can abscond or indulge in similar offences.

Hence, 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 has been nominated in this case on the basis of a series of disclosure statements suffered by co-accused. No subsequent recovery is shown to have been effected from the petitioner. Although, he is shown to be involved in two more cases of similar nature but that alone cannot be a ground to deny him the benefit of bail. Though it is mentioned in the status report that there was exchange of calls between the petitioner and other co-accused but no transcript of the conversation has been placed on record. It is well established that mere call details, without the transcript of the conversations exchanged between the accused persons, would not be considered to be corroborative material in absence of substantive material found against them. The petitioner is in custody since 28.08.2024. Investigation has since been completed and *challan* has been filed. Conclusion of trial would obviously take time. 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

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for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.05.2025

Wassem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No