

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:141302



224

CRM-M-27498-2025 (O&M)

Date of Decision: 13.10.2025.

Kanu Obina @ Bican

...Petitioner.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Pawan Kumar Garg, DAG, Haryana.

SUKHVINDER KAUR, J.

Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.220 dated 04.05.2022, under Sections 21(c) and 27-A/61/85 of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

As per prosecution case, co-accused, namely, Mukesh @ Dhannu, Amit Kumar @ Piti and Akash Kumar were found in possession of 302 grams of heroin. The petitioner was nominated as an accused in the present case on the basis of disclosure statement of co-accused Akash Kumar.

Learned counsel for the petitioner contended that no recovery had been effected from the petitioner and he is not connected with the offence in the present case. The petitioner has not been named in the FIR and has been falsely implicated in the present case. He was nominated as an

accused in this case on the basis of disclosure statement of co-accused Akash Kumar, which is not admissible in law. He further stated that the co-accused Mukesh @ Dhannu and Amit Kumar @ Piti have already been granted concession of bail by Co-ordinate Bench of this Court. As trial of the case is likely to take time, therefore, the petitioner be granted concession of regular bail.

Learned State counsel has opposed the petition and submitted that the petitioner is actively involved in the alleged offence. He has been specifically named in the disclosure statement of co-accused Akash Kumar and as such he is not entitled to the concession of bail.

Heard.

As per the allegations, the name of the petitioner neither mentioned in the secret information nor in the FIR. His name surfaced in the present case, on the basis of disclosure statement of co-accused. It has also been alleged in the status report that as per the CDR several calls have been made between the petitioner and co-accused Akash Kumar, who had been apprehended at the spot. But nothing is on record that said phone number was belonging to the petitioner and exactly what was the conversation between them. Co-accused Mukesh @ Dhannu and Amit Kumar @ Piti, who are the main accused have already been granted concession of bail by Co-ordinate Bench of this Court. Recovery in this case has already been effected and now nothing is to be recovered from the petitioner. As per status report, out of 17 prosecution witnesses, testimony of 09 prosecution witnesses have been recorded so far. As per the custody certificate, the petitioner is in custody since 03 years, 03 months and 29 days. Conclusion of trial is likely to take time, so no useful purpose

would be served by further detaining the petitioner behind the bars.

Accordingly, the present petition is allowed and the petitioner is ordered to be admitted to regular bail, on furnishing adequate bail bonds and surety bonds, to the satisfaction of concerned learned trial Judge/Chief Judicial Magistrate/Duty Magistrate.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

13.10.2025.

Komal

Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No