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

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**CRM-M-2733-2025 (O&M)
Date of decision: 25.04.2025**

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

Present:- Mr. Sahil Goel, Advocate
for the petitioner.

Mrs. Sheenu Sura, DAG, 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. 370 dated 07.09.2021, registered under Section 15(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Rania, District Sirsa.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.09.2021, co-accused Deepak Kumar @ Deepu and Santosh Singh, while coming in a Bolero vehicle bearing registration number HR-61-3183, were apprehended by a police party headed by ASI Tarsem Singh and recovery of 180 kgs. of Doda Post contained in 09 plastic bags, which were kept in the said vehicle, was effected. Both of them were formally arrested at the spot. During the course of investigation, name of the petitioner surfaced in the disclosure statement suffered by co-accused

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Santosh Singh with the allegations that he was involved in trading of the contraband and there were several money transactions in his bank account. On the basis of the same, the petitioner was nominated in this case as an accused but he could not be arrested. Ultimately, he was declared a proclaimed person, vide order dated 07.12.2022. He had filed a petition, bearing number ***CRM-M-45826-2021***, before this Court seeking quashing of order dated 07.12.2022. However, the said petition was dismissed as withdrawn on 16.09.2024 with a liberty to him to surrender before the trial Court within a period of 10 days and the learned trial Court was directed to decide his bail application within a period of 03 days thereafter. In compliance thereof, the petitioner had surrendered before the Court on 25.09.2024. He filed an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 29.10.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime. He has been involved in this case on the basis of the disclosure statement suffered by co-accused Santosh Singh, which is not admissible in evidence against him. The alleged money transactions, which had taken place between him and co-accused Mahender Singh, were in fact personal transactions as Mahender Singh is first cousin of the petitioner and the transactions relate to borrowing and returning the money between them. The petitioner has clean criminal antecedents. He is not involved in any other such or similar case. No subsequent recovery has been effected from him. Trial is substantially delayed as the prosecution

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witnesses are not turning up. Even otherwise, co-accused Deepak Kumar @ Deepu and Santosh Singh have been granted concession of regular bail by this Court, vide common order dated 03.11.2023, passed in **CRM-M-38758-2022** and **CRM-M-32223-2023**, respectively. On the grounds of parity, the petitioner too deserves 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. No status report has been filed by the respondent-State. However, it is submitted by learned Deputy Advocate General, Haryana that keeping in view the gravity of allegations, the petitioner is not entitled to get benefit of bail. He was absconding and even had been declared a proclaimed person. He can again abscond, if released on bail. 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. As per the prosecution case, the recovery of 180 kgs. of Doda Post was effected from co-accused Deepak Kumar @ Deepu and Santosh Singh on 07.09.2021, when they were coming in the aforesaid vehicle. Admittedly, the petitioner was not present at the spot and has been nominated in this case on the basis of the disclosure statement suffered by co-accused Santosh Singh. The allegations against him are that he was involved in trading of the contraband and has received drug money in his bank account. However, a specific plea has been taken by the petitioner that alleged money transactions, which had taken place between him and

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Mahender Singh, were personal transactions on account of borrowing and returning money between them as they are cousin brothers. Hence, it will be a question of debate as to whether the same was drug money or not? More so, the main accused Deepak Kumar @ Deepu and Santosh Singh are already on bail, as mentioned above. Learned counsel for the petitioner has placed on record copies of several zimni orders, a perusal of which, shows that no prosecution witness is appearing before the learned trial Court and evenailable warrants have been issued to procure their presence. Hence, it can safely be stated that the trial is substantially delayed. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner 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.

25.04.2025

Waseem Faruqi(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*