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

**CRM-M-3961-2025 (O&M)
Reserved on : 28.04.2025
Pronounced on : 30.04.2025**

Leela Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Himani Anand, Advocate
for the petitioner.

Mrs. 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. 359 dated 11.05.2024, registered under Sections 18, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Shahabad, District Kurukshetra.

2. Brief facts of the case relevant for the disposal of the present petition are that on 11.05.2024, on the basis of a secret information, co-accused Himanshu @ Hemant @ Himmat was apprehended by a police party headed by Inspector Mohan Lal and recovery of 04 kgs. 600 grams of opium was effected from him. Upon interrogation, he disclosed that the recovered contraband was supplied to him by one Ashraf Shah, who was arrested on 17.05.2024. Upon interrogation, he disclosed that he used to buy

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opium from co-accused and used to sell to the present petitioner and other co-accused. On the basis of the same, the petitioner was nominated as an accused in this case and was arrested on 10.06.2024. 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 aforesaid offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 03.07.2024.

3. Learned counsel for the petitioner has argued that she has been falsely implicated in this case. No recovery has been effected from the petitioner. She has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence against him. There is nothing on record to connect the petitioner with the subject crime. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not properly complied with. Even otherwise, investigation has since been completed and *challan* has been presented. However, no witness has been examined so far, which shows that the conclusion of trial is likely to take time. The petitioner is in judicial custody since 10.06.2024. Although she has been falsely involved in one more case of similar nature but she is on bail in that case. No useful purpose would be served by keeping her in custody anymore. Co-accused Riyajudin has already been granted concession of regular bail by this Court, vide order dated 24.04.2025 passed in ***CRM-M-10089-2025***. On the grounds of parity, the petitioner too deserves the same benefit. Hence, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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4. Reply has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that although the petitioner has been nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, her complicity in the subject offence has been duly established. The petitioner used to sell the contraband after procuring the same from co-accused Ashraf Shah. The call details record reveals that they were in touch with each other over phone. Her story regarding false implication is concocted one. Trial has commenced and the same would be concluded in due course. 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 the disclosure statement suffered by co-accused, who himself was named by co-accused Himanshu @ Hemant @ Himmat, who was apprehended at the spot on 11.05.2024 and from whom, recovery of aforesaid contraband was effected. The allegations against the petitioner are that she used to sell the contraband after procuring the same from co-accused Ashraf Shah. It is an admitted position that subsequent to arrest of the petitioner, no recovery of any contraband had been effected from her. She is shown to be involved one more case of similar nature but she is on bail in that case. So far as some calls exchanged between the petitioner and co-accused Ashraf Shah are concerned, it is well established that mere call details, without the transcript of the conversations exchanged between the accused persons, would not be

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considered to be corroborative material in absence of substantive material found against them. Investigation has since been concluded and *challan* has been presented. Trial is admittedly delayed. Hence, conclusion of the same is likely to take time. The above named co-accused has already been granted concession of regular bail by this Court, as mentioned above. The petitioner is in custody since 10.06.2024. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping her in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her 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.

30.04.2025

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