

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

**CRM-M-14746-2022 (O&M)**

**Date of Decision : 27.9.2022**

Sujeet

**....Petitioner**

**VERSUS**

State of Haryana

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Anuj Kumar, Advocate for  
Mr. Ankur Lal, Advocate,  
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

\*\*\*\*\*

**KARAMJIT SINGH, J.**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.264 dated 3.10.2021 registered for the offences punishable under Sections 21, 61, 85 of NDPS Act at Police Station Sarai Khawaja, Faridabad, Haryana.

Counsel for the petitioner submits that as per allegations appearing on the record, police recovered 68 kg 570 grams of *ganja* from the car in which his co-accused Ajay was traveling on 3.10.2021. He further submits that the petitioner was not named in the FIR and was named as accused on the basis of the disclosure made by aforesaid Ajay and thereafter, the petitioner was arrested on 11.10.2021 and since then, he is in custody. He further submits that the aforesaid car was owned by the petitioner but he was having no knowledge that the same was being used by Ajay for transportation of contraband. He further contends that after

completion of investigation, challan has been presented but it will take time for trial to conclude and as such, prayer is made that the petitioner who is having no criminal history be released on regular bail.

Present petition is opposed by the State counsel who has not disputed the fact that the petitioner was not named in the FIR. State counsel contended that 68 kg 570 grams of *ganja* was recovered from the car owned by the petitioner in which Ajay was traveling. State counsel has not disputed the fact that after completion of investigation, challan has been presented and that the petitioner is in custody for the last more than 11 months and is having no criminal history.

I have considered the submissions made by the counsel for the parties.

The petitioner who was not named in the FIR was arrested in the present case on 11.10.2021 and is presently lodged in judicial custody and no contraband was recovered from the possession of the petitioner. As per record, 68 kg 570 grams of *ganja* was recovered from co-accused Ajay and the said recovery was effected from the car owned by the petitioner. After completion of investigation, the police has presented the challan. As per disclosure statement (Annexure P-2) stated to have been made by co-accused Ajay, he had borrowed the car in question from the petitioner and used the same for transportation of *ganja* without informing him. Admittedly, the petitioner is having no criminal history. It is a matter of evidence as to whether co-accused Ajay was using the car of the petitioner for the aforesaid illegal activity with the consent/approval of the petitioner or of his own.

In view of the above, as no contraband was recovered from the conscious possession of the petitioner and it will take considerable time for trial to terminate, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

**September 27, 2022**

Paritosh Kumar

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No