

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

CRM-M-22231-2022  
Date of Decision:-30.05.2022

Barkat

... Petitioner

Versus

State of Haryana

... Respondent

\*\*\*\*\*

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

\*\*\*\*\*

Present:- Mr. Baljeet Beniwal, Advocate  
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

\*\*\*\*\*

**KARAMJIT SINGH, J. (Oral)**

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.55 dated 29.1.2022 registered under Section 20 NDPS Act at Police Station Hodal District Palwal.

The counsel for the petitioner contends that the petitioner was not named in the FIR and was named as an accused on the basis of disclosure of co-accused from whom there was recovery of 52 kilograms of 'Ganja' by the police. Counsel further contends that the petitioner was arrested on 18.2.2022 and is presently lodged in judicial custody and no incriminating article was recovered from his possession.

The State counsel while opposing the present petition submitted that 52 kilograms of ‘*Ganja*’ was recovered from co-accused, who named the petitioner in his disclosure statement. The State counsel further submits that investigation has been completed, but trial is yet to begin.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

The petitioner was not named in the FIR. He was nominated as an accused on the basis of disclosure statement of co-accused from whose possession 52.360 kilograms of ‘*Ganja*’ was recovered. The petitioner was arrested on 18.2.2022. After completion of investigation, the police has presented the challan against the petitioner and other accused persons. The State counsel during arguments admitted that no incriminating article was recovered from the possession of the petitioner, who is presently lodged in judicial custody. The State counsel also has not refuted the fact that the petitioner is having no criminal history.

It will take time for culmination of the trial. So, no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

30.05.2022  
Gaurav Sorot

|                              |          |
|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |