

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

CRM-M-22716-2022

Date of Decision: 30th May, 2022

Gaurav Khanduja @ Gourav Khanduja

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Ashit Malik, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 173, dated 30th July, 2021, under Sections 22(C) and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Sadar Ratia, District Fatehabad.

2. The brief facts are that the police during patrolling on 30th July, 2021, checked motor cycle bearing registration no. Hr-59B-9486. The riders were Balwant Singh and Harbans @ Bansi Lal. From their conscious possession, 6000 Alprazolam Tablets IP 0.5 mg weighing 1200 grams and 4900 Tramadol Prolonged-release Tablets IP weighing 2450 grams were recovered. During investigation the co-accused in his first disclosure statement named Khan as supplier of the recovered contraband but in the second disclosure statement they stated that recovered tablets were purchased from the Gaurav Khanduja(petitioner). Petitioner is in custody since 9th March, 2022 after his arrest no recovery was made.

3. Learned counsel for the petitioner argues that the petitioner was not apprehend at the spot, no recovery was made from him and his

case of false implication due to petitioner's involvement in another case under the Act.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioner was supplier and is involved in one more case under the Act. The recover from the co-accused is of heavy quantity.

5. The evidentiary value of the disclosure statement would be subject matter of the trial, no recovery is made from the petitioner, his name surfaced in the disclosure statement. Petitioner is in custody since 9th March, 2022, conclusion of investigation and challan is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

30th May, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No