

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

207

**CRM-M-23779-2022**

**Date of Decision: August 25, 2022**

**ARSHAD**

**...Petitioner**

**Versus**

**STATE OF HARYANA**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present:-** Mr. MI Khan, Advocate  
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

**AMAN CHAUDHARY, J.(Oral)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 356 dated 08.05.2021 under Sections 18-A, 18(a), 18(c), 27(B)(c)(ii), 28 of Drugs and Cosmetics Act, Section 3 and 7 of Essential Commodities Act and 420 and 120-B of IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar (Haryana).

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he was nominated on the basis of disclosure statement of the co-accused. He further submits that the said disclosure statement cannot be taken into evidence. He further submits that he has been in custody since 13.09.2021 and all the co-accused have been granted bail by the Co-ordinate Benches of this Court vide Annexures P-2 to P-6. He further urges that trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

Learned State counsel opposes the prayer for grant of bail on

account of the fact that there are seven more cases against petitioner in so far as he is not been able to dispute the other submissions made by the counsel for the petitioner in so far as the factum of his not having been named in the FIR is concerned. Learned State counsel further submits that challan has been filed on 19.10.2021 and charges have been framed on 07.05.2022. There are total 29 witnesses, however, two of them have yet been examined and trial is going to take some time. It is not disputed that the petitioner has been in custody since 13.09.2021.

In response to the arguments, learned counsel for the petitioner submits that in all seven cases he has been granted the benefit of regular bail, which also the learned State counsel is unable to dispute.

I have heard learned counsel for the parties.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner as also the factum of the co-accused having been granted bail, his further detention behind the bars may not be necessary for any useful purpose as trial would consume considerable time to conclude, therefore, without commenting upon 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/ surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

**August 25, 2022**  
rimpal

**(AMAN CHAUDHARY)**  
**JUDGE**

Whether reasoned/speaking:  
Whether reportable:

Yes/No  
Yes/No