

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35716-2022

Date of Decision: 30.8.2022

Shambhunath @ Bachha

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Balbir Kumar Saini, Advocate for
Mr. Sanjay Verma, 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.529 dated 27.5.2022 registered for the offences punishable under Sections 20, 29 of NDPS Act at Police Station Shahabad, District Kurukshetra.

Counsel for the petitioner submits that FIR in this case was registered against one Upender Singh who was arrested by the police and 20 kg of *ganja* was recovered from his possession on 27.5.2022; that thereafter, said Upender Singh is stated to have disclosed to the police that said *ganja* was supplied to him by the present petitioner and consequently, the petitioner was arrested by the police on 30.5.2022; that after completion of investigation, the police has presented the challan and it will take considerable time for the trial to conclude after framing of charges. He

further contends that no contraband was recovered from the possession of

the petitioner and as such, he is entitled to grant of regular bail.

Present petition is opposed by the State counsel who submits that the police apprehended co-accused Upender Singh along with 20 kg of *ganja* and the said accused made disclosure statement that the said contraband was supplied to him by the present petitioner. She further submits that subsequently, the petitioner was arrested. She further submits that the trial is yet to commence and as such, no ground is made out to grant the bail.

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

Admittedly, the petitioner was not named in the FIR which was registered against co-accused Upender Singh from whom police recovered 20 kg of *ganja* on 27.5.2022. As per prosecution, said Upender Singh made disclosure that said *ganja* was supplied to him by the present petitioner and consequently, the petitioner was arrested. Relevancy and admissibility of the aforesaid disclosure made by co-accused Upender Singh will be considered by the trial Court at the appropriate stage of the trial. Admittedly, no contraband was recovered from the possession of the present petitioner who is having no criminal history. Apparently, there is nothing on record to connect the present petitioner with the aforesaid recovery of 20 kg of *ganja* which has been effected from co-accused Upender Singh. After completion of investigation, the police has presented the challan but it will take time for trial to conclude after framing of charges. Rigors of section 37 of NDPS Act are not apparently applicable to the case of the petitioner as no contraband has been recovered from his possession.

In view of above, this Court is of the view that no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, 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

August 30, 2022
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No