

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

CRM-M-44649 of 2022(O&M)

Date of Decision: 12.07.2022

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Gaurav Vir Singh, Advocate
For the petitioner.**

Ms. Harpreet Kaur, AAG Haryana.

KARAMJIT SINGH, J.

Reply by way of affidavit of DSP Ramesh Kumar filed by the State today in Court is taken on record.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No. 19 dated 12.02.2021, registered under Section 21/22/29 of Narcotic Drugs and Psychotropic Substances Act, Police Station Sector-9 Ambala City.

Learned counsel for the petitioner contends that the petitioner was nominated as accused on the basis of the alleged disclosure made by co-accused Sukhdarshan Singh @ Darshan. The counsel further contends that the petitioner was arrested in the present case on 23.02.2021. The counsel further contends that during investigation of the case no contraband or incriminating article was

recovered from the possession of the petitioner. The counsel further submits that after completion of investigation challan has been presented but it will take time for the trial to conclude.

The State counsel while opposing the present petition submits that 40 injections of Buprenorphin were recovered from the possession of co-accused Sukhdarshan Singh @ Darshan. During investigation said Sukhdarshan Singh @ Darshan disclosed to the police that the said injections were supplied to him by the petitioner Deepak. However, State counsel, on instructions from SI Subhash Singh, admits the fact that challan has been presented in the present case and that petitioner is in custody for the last more than one year and four months.

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

Admittedly, during the investigation of the present case no incriminating article or contraband was recovered from the possession of the petitioner who was arrested in the present case on 23.02.2021 and is presently lodged in judicial custody. As per the custody certificate furnished by the State counsel the petitioner is also involved in one another case under NDPS Act. However, the counsel for the petitioner produced copy of the order dated 24.06.2021 passed by Special Judge, Ambala whereby the petitioner has been granted regular bail in the said criminal case.

Admittedly, after completion of investigation challan has been presented in this case and the petitioner was nominated as accused only on the basis of disclosure alleged to be made by co-accused

Sukhdarshan Singh @ Darshan. It will take time for the trial to conclude and the relevancy of the aforesaid disclosure made by the co-accused against the petitioner is to be seen by the Court concerned during the trial.

In these circumstances, I am of the view that no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period. So, without commenting on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.

12.07.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**