

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

225

CRM-M-42480 of 2022
Date of Decision:20.09.2022

Vivek @ Aaku

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanyam Khertarpal, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.257 dated 14.06.2021, under Section 22C of the NDPS Act, 1985, registered at Police Station Dabua, District Faridabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 17.08.2022 and the investigation of the case has been completed and thereafter challan has been presented to the competent Court. He further submitted that the allegation against the petitioner was that one of the co-accused namely Kapil @ Bhalu was apprehended alongwith 29 injections of *Buprenorphine* having 2 ml. each and who disclosed the name of the another co-

accused namely Saurav Bhandari and who in turn disclosed the name of the present petitioner. He submitted that it is the case where the name of the present petitioner was nominated after the period of one year and two month on the basis of further disclosure statement of Saurav Bhandari who himself was nominated on the basis of a disclosure statement. He submitted that the petitioner has clean antecedents and he is not involved in any other case. The other two co-accused namely Kapil @ Bhalu and Saurav Bhandari have already been granted regular bail by this Court vide Annexures P-3 and P-2 respectively and he further submitted that therefore, the present petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 17.08.2022 and it is also correct that the petitioner has clean antecedents and he is not involved in any other case and he was nominated on the basis of disclosure statement.

I have heard the learned counsel for the parties.

In the present case, the allegation against the petitioner is that 29 injections of *Buprenorphine* which were allegedly recovered from one Kapil @ Bhalu and on whose disclosure another co-accused namely Saurav Bhandari was nominated. Both the co-accused have been granted bail by this Court. On the disclosure statement of co-accused namely Saurav Bhandari, the name of the petitioner was nominated after a period of one year and two months. The petitioner is stated to be not involved in any other case.

In view of the aforesaid position, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an

expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 20, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No