

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

211

CRM-M-43293-2022

Date of Decision: 23.09.2022

Sonu Kumar @ Nasheel

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. U.M. Khan, Advocate for the petitioner.

Mr. Himmat Singh, D.A.G., Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.281 dated 22.09.2021 registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Kheripul, Faridabad.

As per the case of the prosecution, on 22.09.2021 when police party headed by SI Surender Singh was present on the bridge of Sector-17, Faridabad, they got a secret information that Manish Kumar driver and Sunil @ Anna, after bringing Ganja from Andhra Pradesh, are coming in car bearing registration No.DLIZA-9500. On this information, nakabandi was got conducted and the accused persons were apprehended. On search of the said car, 02 plastic bags containing 58 kg 326 grams Ganja were recovered. During investigation, accused Manish Kumar and Sunil Kumar @ Anna disclosed the name of the petitioner.

Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot and has been falsely implicated in the case on the basis of disclosure statements made by co-accused Manish Kumar and Sunil Kumar @ Anna. No recovery has been effected from the petitioner. The petitioner has been arrayed as an accused on the basis of disclosure statement of his co-accused, which is a very weak type of evidence. The petitioner was arrested on 16.01.2022 and since then he is in judicial custody. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Per contra, learned State counsel opposed the petition on the ground that the alleged recovery made from the co-accused falls in the category of commercial quantity. The case of the prosecution not only based upon the disclosure statement of co-accused there is sufficient connecting evidence against the petitioner. The CDR of mobile phones of petitioner and co-accused Sunil @ Anna clearly shows that they were in continuous touch of each other. The petitioner is a habitual offender and 04 other cases have been registered against him.

Custody certificate dated 22.09.2022 has been filed by learned State counsel which is taken on record. As per the custody certificate the petitioner is also involved in 04 other cases out of which 01 is also under the NDPS Act.

I have heard learned counsel for the petitioner as well as the learned State counsel and gone through the paperbook.

Keeping in view the facts and circumstances of the case,

nature of accusation and evidence against the petitioner and involvement of petitioner in other cases, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

23.09.2022

kothiyal

(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No