

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

236

CRM-M-47566 of 2022
Date of Decision:-**06.12.2022**

Kuldeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr.Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.314 dated 20.06.2022 registered under Sections 18(b) of NDPS Act and Section 18(c), 29(a) (Act No.61) of Narcotic Drugs and Psychotropic Substances Act 1985, added later on and Section 18(c) of NDPS Act at P.S. Sadar Fatehabad, District Fatehabad.

The counsel for the petitioner *inter-alia* contended that the petitioner was not named in the FIR and his name surfaced in the disclosure statement made by co-accused Sukhchain Singh @ Sunny from whom the police recovered 154 grms of opium on 20.06.2022. He further submits that thereafter the petitioner was arrested on 30.08.2022 and since then the petitioner is in custody. The police has presented the challan after completion of investigation. He further submits that the main accused Sukhchain Singh @ Sunny has been granted regular bail vide order Annexure P-2 by this court.

from SI Ram Chander and has submitted that the police recovered 154 grms of opium from the possession of co-accused Sukhchain Singh @ Sunny on 20.06.2022 and on the basis of the disclosure made by the said Sukhchain Singh @ Sunny, the present petitioner was nominated as an accused and was arrested on 30.08.2022.

The State counsel has admitted the fact that challan has been presented against the petitioner after the completion of investigation and further Sukhchain Singh @ Sunny has been granted regular bail by this Court vide Annexure P-2.

Admittedly, during investigation no contraband was recovered from the possession of the petitioner who is in custody since 30.08.2022. As per prosecution, in the present case 154 gram of opium was recovered from Sukhchain Singh @ Sunny and as such rigors of Section 37 NDPS Act are not applicable to be instant case. Further, after investigation the police has presented the challan and it will take considerable time for the trial to conclude.

In view of the above, this court is of the opinion that no fruitful purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

06.12.2022
joyti

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No