

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

**CRM-M-766 of 2022
Date of Decision:- 28.04.2022**

Mohd. Ajeem Khan

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.264 dated 10.11.2021 registered under Sections 21(C), 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Garhi, District Jind, Haryana.

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and was not named in the FIR. It is further contended that petitioner was arrested solely on the basis of disclosure made by co-accused Pritam Ram. He further submitted that recovery of 400 grams of Smack has been effected from co-accused Pritam Ram alias Jhamba and neither the petitioner was present at the time of recovery nor any incriminating

article was recovered from his possession and he is already in custody since 13.11.2021 and is having no criminal history.

The bail application is contested by the State counsel, who submitted that the petitioner is facing serious charges under NDPS Act, as such prays for dismissal of the bail application. State counsel further submitted that after completion of investigation challan has been presented.

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

Admittedly there was no recovery of contraband from or at the instance of the petitioner in the present case. The admissibility and veracity of the aforesaid disclosure statement of co-accused would be tested during the course of trial. The investigation has already been completed in the present case.

Having regard to the facts and circumstances of the case and that the petitioner has been nominated as accused solely on the basis of disclosure statement and without adverting to the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

28.04.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No