

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

217

CRM-M-50906-2022
Date of decision : 09.11.2022

Sunil @ Sunny

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Gaurav Bansal, Asstt. A.G., Haryana
for the respondent-State.

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.298 dated 08.09.2022 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (to which Section 29 of the NDPS Act was added later on) at Police Station Badli, District Jhajjar.

Brief facts of the case are that on 08.09.2022, the police party headed by SI Mukesh Kumar, on suspicion, apprehended one Raj Kishore and on search 3.7 kg of ganja was recovered from the bag carried by him. During investigation, the petitioner was named by the Raj Kishore in his disclosure statement.

Learned Counsel for the petitioner has argued that the petitioner was not arrested on the spot and no recovery was made from his possession. The petitioner has been falsely implicated in the case on the basis of disclosure statements allegedly made by co-accused Raj Kishore. Apart from the disclosure statement, there is no evidence regarding involvement of the petitioner in the case. Even otherwise the contraband recovered from co-accused Raj Kishore falls under the category of non-commercial quantity. The petitioner is in custody since

22.09.2022. The petitioner is not involved in any other case. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that as per disclosure statement of co-accused Raj Kishore, the contraband allegedly recovered from him had to be supplied to the petitioner. However, learned State counsel conceded the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, particularly that the petitioner was not apprehended on the spot, no recovery was made from him, there is no evidence against him except the disclosure statement of his co-accused Raj Kishore, the petitioner is not involved in any other case and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Sunil @ Sunny is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

09.11.2022

kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No