

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-161-2023

Date of Decision: 21.4.2023

Ishu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. D.S.Virk, Advocate for
Mr. Priyavrat Parashar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.531 dated 8.10.2022 registered for the offences punishable under Sections 22(c) and 29 of NDPS Act at Police Station City Kaithal.

As per allegations appearing on record, the police apprehended co-accused Pargat Singh and recovered commercial quantity of medical intoxicants from his possession on 8.10.2022. Said Pargat Singh made disclosure statement that he purchased the said medical intoxicants from the present petitioner and then the petitioner was arrested on 11.10.2022.

Counsel for the petitioner submits that the petitioner, who is having no criminal history, has been falsely implicated in the present case on the basis of the alleged disclosure made by co-accused Pargat Singh. He further submits that the said disclosure statement is subject matter of trial. It

is further submitted that the petitioner was arrested in this case on

11.10.2022 and during investigation, no contraband was recovered from possession of the petitioner and that trial is at its initial stage. So, prayer is made that the petitioner be released on bail.

Present petition is resisted by the State counsel who submits that the petitioner was named as accused on the basis of the disclosure statement made by co-accused Pargat Singh from whom the police recovered commercial quantity of medical intoxicants on 7.10.2022. However, the State counsel has not disputed the fact that the petitioner is in custody since 11.10.2022 and that no recovery of contraband was effected from the petitioner during investigation of the case and presently, the petitioner, who is having no criminal history, is lodged in judicial custody.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR and was named as accused on the basis of the disclosure statement made by co-accused Pargat Singh who was found to be in possession of commercial quantity of contraband by the police. Thereafter, the petitioner was named as accused and arrested on 11.10.2022. During investigation, no incriminating article or contraband was found from possession of the petitioner who is presently lodged in judicial custody and is having no criminal history. As per State counsel, only currency notes worth ₹ 1000/- were recovered from possession of the petitioner during investigation. It appears that the trial is at its initial stage and the alleged disclosure made by co-accused Pargat Singh against the petitioner will be tested during trial. Further, it will take considerable time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for

any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 21, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No