

2023:PHHC:088596

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM M-1467 of 2023

Date of Decision: July 14, 2023

Ranjeet Singh @ Monti

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gourav Verma, Advocate for
Ms. Pooja Jaglan, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 524 dated 06.09.2022 under Sections 22, 29 and 27-A of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter to be referred as the '**NDPS Act**') and 201 IPC (added later on) registered at Police Station Israna, District Panipat (Annexure P-1).

2. The brief facts of the case are that on 06.09.2022, ASI Sandeep alongwith a police party was present at bus stand village Shahpur and a secret informer came and informed that Kaushal son of Ranbir indulged in selling narcotic injections. On that day also, he was standing near village secretariat with an intention to sell narcotic injections and was holding a polythene bag of narcotic injections in

his hand. If the raid was conducted immediately, Kaushal could be found at the spot and recovery could be effected from him. On this, a raid was conducted and Kaushal was apprehended at the spot with 29 strips of Pentazocine Lactate injections and 1 strip of Pentazocine Lactate contained five injections and as such total 145 ML of Pentazocine Lactate were recovered from him.

3. Learned counsel for the petitioner contends that he was not named in the FIR and was not found at the place of recovery. The name of the petitioner came in picture, when he was named by his co-accused in the police custody and, thereafter, the petitioner was arrested. Learned counsel further contends that the disclosure statement of the co-accused cannot be used as an evidence against the present petitioner and no recovery was effected from him. Learned counsel further contends that he has been falsely implicated in the present case only on the ground that he had received some amount from the co-accused Abdul Rahim and it was allegedly received as a payment for injections, which he allegedly sold to co-accused Abdul Rahim. Learned counsel further contends that except this, there was no other evidence in the present case and he has been falsely implicated under Section 29 of the NDPS Act. Learned counsel for the petitioner further contends that Kaushal from whom the recovery was effected, has been granted the concession of bail by the learned Additional Sessions Judge, Panipat, on 14.11.2022. Even two more co-accused Ravi and Raju Shukla have been granted the concession of

bail by the learned trial Court and the case of the petitioner is on better footing.

4. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner by contending that the involvement of the petitioner was established during the course of investigation and does not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. In fact, in the present case, it is not in dispute that Kaushal was arrested at the spot and 29 strips of Pentazocine Lactate injections were recovered from him and 1 strip of Pentazocine Lactate contained five injections and as such total 145 ML of Pentazocine Lactate were recovered from him. Even, as per the provisions of the NDPS Act, the total quantity of 145 ML of Pentazocine Lactate is of intermediate quantity. It has been alleged that Kaushal had purchased the injection from Raju Shukla and Raju Shukla disclosed that Abdul Rahim had supplied him injections and the petitioner was named by Abdul Rahim. Thus, the petitioner was arrested in the present case under Section 29 of the NDPS Act. Even, no recovery was effected from him and his custody will serve no meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

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satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

July 14, 2023(N.S.SHEKHAWAT)

amit ranaJUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No