

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

CRM-M-2621-2023

Decided on:-06.12.2023

Shinderpal Singh

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Manjit Singh Uppal, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

HARKESH MANUJA J. (Oral)**CRM-35564 & 35565-2023**

Applications are allowed as prayed for.

Main case

1. Mr. Manjit Singh Uppal, Advocate has appeared and filed power of attorney on behalf of the petitioner after obtaining no objection from the previous counsel representing the petitioner.

2. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case FIR No.190, dated 05.07.2022, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act") (Sections 29, 27-A of NDPS Act added later on) at Police Station Garhi, District Jind.

2. In the present case, the petitioner has been implicated as an accused on the basis of disclosure statement made by Dharmender Maratha, who was apprehended at the spot along with recovery of "3 quintals, 60 kgs

and 605 grams of poppy husk".

3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that beside disclosure statement, there was other evidence as well as to connect the petitioner with the alleged recovery as a sum of Rs.3 lakhs was transferred by the petitioner in the account of Dharmender Maratha for the supply of the contraband.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

5. Admittedly, the petitioner was not named in the FIR but was implicated on the basis of disclosure statement made by Dharmender Maratha. The aforesaid Dharmender Maratha and the other co-accused namely, Naveen Maratha, who were apprehended at the spot, have already been granted the concession of bail. No other case under NDPS Act is registered against the petitioner. The petitioner is in custody for the last more than 01 year and 03 months and the investigation in the present case already stands concluded with the filing of challan. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

06.12.2023
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(HARKESH MANUJA)
JUDGE

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