

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

CRM-M-4480-2023 (RBHRY)

Date of Decision:-**03.02.2023**

PARAMJEET

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Munish Garg, Advocate for
Mr. Munish Kamboj, Advocate for
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.575 dated 24.10.2022 registered under Section 21(b) of NDPS Act and Section 27-A of NDPS Act added later on at Police Station City Fatehabad District Fatehabad.

The allegations in nut-shell are that the police apprehended co-accused Pawan and Ankush while they were travelling on a motorcycle and recovered 20 grams of heroin from them on 24.10.2022 and subsequently the petitioner was nominated as accused on the basis of disclosure statements made by aforesaid Pawan and Ankush to the effect that they purchased the

said Heroin from the present petitioner and resultantly the petitioner was arrested in this case on 25.10.2022 and thereafter one Karan @ Karani was also nominated as accused on the basis of disclosure statement made by the present petitioner.

The counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and was later on nominated as accused on the basis of alleged disclosure statements of Pawan and Ankush and the relevance of the said disclosure will be tested during the trial. The counsel for the petitioner further submits that the petitioner is in custody since 25.10.2022 and no contraband was recovered from his possession and after completion of investigation, police presented challan, but it will take time for conclusion of trial. So no purpose is going to be served by keeping the petitioner behind the bars, who is having no criminal history.

The instant petition is resisted by the State counsel, who on instructions from ASI Vinod Kumar submits that the petitioner was nominated as accused on disclosure statements of Pawan and Ankush from whom police recovered 20 grams of Heroin and then the petitioner was arrested on 25.10.2022. However, the State counsel has not refuted the fact that no contraband was recovered from the possession of the petitioner, who is having no criminal history and after completion of investigation challan has been presented by the police.

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

Admittedly the petitioner was named as an accused in the present case on the basis of disclosure statements of Pawan and Ankush,

who were apprehended by the police on 24.10.2022 along with 20 grams of heroin and thereafter the petitioner was arrested on 25.10.2022 and presently he is behind the bars and is having no criminal history. On conclusion of investigation the police has presented the challan but it will take considerable time for the trial to terminate. The veracity and relevance of alleged disclosure statements of Pawan and Ankush is to be examined by the trial Court at the relevant stage of the trial. Admittedly no contraband has been recovered from the petitioner during investigation of this case.

In view of the above, as it will take time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

03.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No