

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

**CRM-M-9059 of 2023
Date of Decision:- 27.02.2023**

Sandeep Kumar

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mrs. Divya Narula, Advocate
for the petitioner.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.366 dated 17.07.2022 registered under Sections 22-C/27-A/29/61/85 of NDPS Act, Police Station Sadar Fatehabad, District Fatehabad.

Notice.

On asking of the Court, Ms. Harpreet Kaur, DAG, Haryana accepts notice on behalf of the State.

The allegations in nutshell are that co-accused Madan Lal was arrested by the police along with 1080 tablets of alprazolam

and 250 tablets of tramadol on 17.07.2022. Further during investigation Madan Lal disclosed that he procured aforesaid tablets of tramadol from one Atma Ram and then said Atma Ram was arrested by the police and he disclosed that he purchased the said tablets of tramadol from the petitioner and consequently, the petitioner was arrested in this case on 18.08.2022.

The counsel for the petitioner submits that the petitioner is having no criminal history and is in custody since 18.08.2022 and has been nominated as an accused only on the basis of disclosure statement made by co-accused. The counsel for the petitioner further submits that no contraband has been recovered from the petitioner and that the veracity of the alleged disclosure statement made by co-accused against the petitioner will be tested during the trial.

On the other hand, the State counsel has submitted that the petitioner was arrested on 18.08.2022, after his name appeared in the disclosure statement made by co-accused. However, the State counsel has not disputed the fact that no contraband was recovered from the possession of the petitioner and after completion of investigation police has presented the challan and that the petitioner is having no criminal antecedents.

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

In the present case no contraband was recovered from the possession of the petitioner who was named as an accused only

on the basis of disclosure statement of co-accused and the petitioner was arrested on 18.08.2022 and is presently lodged in judicial custody. The admissibility and veracity of the disclosure statement made by co-accused is subject matter of the trial. Admittedly, the challan has been presented but it will take time for the trial to conclude, so no purpose is going to be served by keeping the petitioner in custody for any longer period.

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

27.02.2023*P. Chawla***(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No