

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

CRM-M-10331-2023

Date of Decision: April 18, 2023

ABHISHEK @ SHEKU

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mohit Rathee, Advocate for petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail pending trial in case FIR No.411 dated 26.10.2022 under Sections 21 and 29 of NDPS, 1985 at Police Station City Jhajjar, Jhajjar.

As per allegations levelled in FIR, 40 injections of Ampoule have been allegedly recovered from co-accused namely Sachin who has implicated the petitioner on disclosure.

Learned counsel for petitioner submits that the petitioner has merely been implicated on the basis of disclosure made by co-accused Sachin and no recovery has been effected from him. He further submits that the investigation in the present case already stands over with the filing of challan and the petitioner is in custody for the past more than three months now and even the co-accused namely Sachin has already been granted the concession of default bail under Section 167(2) CrPC by Addl. Sessions Judge, Jhajjar vide order dated 22.03.2022. In addition, learned counsel also points out that there is no

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other case of NDPS pending against petitioner.

On the other hand, prayer made herein is opposed by learned State counsel on instructions from SI Rajbir Singh, P.S. City Jhajjar, Jhajjar while submitting that the period of custody is too less, considering the nature of offence.

I have heard learned counsel for parties and have gone through the paper-book. I find submissions made on behalf of learned counsel for petitioner. Reply has been filed by learned State counsel, the same is taken on record. It be tagged at appropriate place.

In the present case, the petitioner has been implicated merely on the basis of disclosure made by co-accused namely Sachin who has already been released on bail, though, in exercise of powers under Section 167(2) of CrPC and the investigation already stands concluded with the filing of challan. The petitioner being a regular sportsman as depicted from the certificates annexed as Annexure P-4, having suffered incarceration for a period of more than three months now and the quantity recovered being intermediate, I do not see any reason to extend the incarceration of the petitioner.

Without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

18.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>