

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

**CRM-M-10856-2023 (O&M)
Date of Decision: 10.03.2023**

Parvin

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satyawan Singh Nain, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 439 Cr.P.C., a prayer has been made for grant of bail pending trial in case FIR No. 0349, dated 20.06.2022 under Sections 22 (c) and 29 of the NDPS Act, 1985, registered at Police Station Sohna, District Gurugram.

As per the allegations levelled against the petitioner, one Manish Kumar was apprehended carrying 15 injections of buprenorphine containing 2 ml each, who on disclosure named Mohit Chaudhary and said Mohit Chaudhary in turn named the present petitioner in his disclosure.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of challan on 11.01.2023 and the evidentiary value of the disclosure made by Mohit Chaudhary has to be gone into during trial. He further submits that no recovery has been effected from the petitioner, besides relying upon Rule 66 of the NDPS Rules, 1985, for short 'the Rules', he also contends that

possession of less than 100 units of buprenorphine could not be considered as an offence in case the same is required for medicinal purpose. In addition, learned counsel for the petitioner also places reliance on order dated 23.11.2022 passed in CRM M-33847-2022 to submit that Mohit Chaudhary has even been granted the concession of regular bail by this Court.

On the other hand, learned State counsel, on instructions from ASI Naresh, vehemently opposes the prayer made in the present petition while submitting that there is one another case under Section 379/411 IPC, registered at Police Station Indra Puram, District Ghaziabad pending against the petitioner and thus, considering the antecedents of the petitioner, he does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in the contentions raised on behalf of the petitioner.

In the present case, the investigation already stands concluded with the filing of challan and the petitioner has merely been roped in, on the basis of disclosure made by his co-accused, namely, Mohit Chaudhary, who has already been granted the concession of regular bail by this Court vide order dated 23.11.2022 passed in CRM M-33847-2022.

More than that, the effect of Rule 66 of the Rules as well as the evidentiary value of the disclosure made by Mohit Chaudhary has to be gone into at the stage of trial and the present being a case of no recovery from the petitioner, the trial being likely to take some time, no useful purpose is going to be served by extending the incarceration of the petitioner any further.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Parvin is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10.03.2023
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(HARKESH MANUJA)
JUDGE

Whether Speaking	Yes/No
Whether Reportable	Yes/No