

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-11786 of 2023(O&M)
Date of Decision: 03.05.2023

Ram Kishan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Dviya Narula, Advocate
For the petitioner.

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 366 dated 17.07.2022, registered under Section 22(C), 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) at Police Station Sadar, Fatehabad.

2. The allegations in nutshell are that the FIR in this case was registered against co-accused Madan Lal from whom the police recovered 1080 tablets of Alprazolam and 250 tablets of Tramadol on 17.07.2022. Further during investigation co-accused Madan Lal made disclosure statement that he procured the above-said 1080 tablets of Alprazolam from the present petitioner and then the petitioner was arrested on 17.08.2022.

3. The counsel for the petitioner submits that the petitioner is in custody for the last more than 08 months and is having no criminal history and has been nominated as accused only on the basis of disclosure statement of co-accused. The counsel for the petitioner further submits that no contraband has been recovered from the present petitioner and that the evidentiary value of the said disclosure statement made by co-accused will be tested during the trial.

4. On the other hand the State counsel on instructions from ASI Roshan Lal submits that the petitioner was arrested in this case and presently lodged in judicial custody, after his name surfaced in the disclosure statement of co-accused. The State counsel has not disputed that currency notes worth Rs.700/- were recovered from the possession of the petitioner and that no contraband was recovered from petitioner. The State counsel has not disputed the fact that the petitioner is having no criminal antecedents.

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

6. In the instant case no contraband was recovered from the possession of the petitioner who was nominated as accused on the basis of disclosure statement of co-accused and consequent to his arrest, the petitioner is in custody since 17.08.2022. The admissibility and veracity of aforesaid disclosure statement made by co-accused will be examined during the trial. Admittedly, the challan has been presented but it will take time for the trial to conclude. Further, the petitioner is having no criminal history.

7. In light of above, no purpose is going to be served by detaining the petitioner in judicial 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 his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

03.05.2023

Jiten

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No