

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11808 of 2023(O&M)
Date of Decision: 03.05.2023

Ravi Dutt Sharma

...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, 29, 61 & 85 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 Mohit was arrested and he disclosed that he procured the above-said 1080 tablets of Alprazolam from Sharwan Kumar and then said Sharwan Kumar was arrested and he disclosed that he

procured said tablets of Alprazolam from the present petitioner and then the petitioner was arrested on 04.10.2022.

3. The counsel for the petitioner submits that the petitioner is in custody for the last more than 05 months 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. The counsel for the petitioner further submits that co-accused Sharwan Kumar was granted regular bail by this Court vide order dated 13.02.2023 in CRM-M-50006 of 2022.

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 note of Rs.500/- was recovered from the possession of the petitioner and that no contraband was recovered from petitioner and aforesaid Sharwan Kumar. The State counsel has also not disputed the fact that Sharwan Kumar is already granted benefit of regular bail vide order dated 13.02.2023. The State counsel further apprised the Court that petitioner is facing one another case under the Act in which he has been granted bail.

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 Sharwan Kumar and consequent to his arrest, the petitioner is in custody since 04.10.2022. The admissibility and veracity of aforesaid disclosure statement made by co-accused will be examined in the trial. Admittedly, the challan has been presented but it will take time for the trial to conclude. Further, co-accused Sharwan Kumar is already enlarged on bail by this Court. So, no purpose is going to be served by detaining the petitioner for any longer period.

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

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No