

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

219

CRM-M-18493-2023

Date of Decision :-12.07.2023

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sukhpal Singh, Advocate for
Mr. Amit Sharma, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.760 dated 19.06.2022 registered under Sections 20-B (ii) (C), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances, Act 1985 at Police Station Sadar Hisar, District Hisar.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and no recovery of the contraband was effected from him and he has only been roped in the present case on the basis of the disclosure statement of a co-accused namely Raj Kumar, which disclosure statement is yet to be proved in the Court of law and as the trial is likely to take some time before it concludes, the petitioner may kindly be extended

concession of regular bail.

Learned State counsel concedes the factum that no recovery of contraband has been effected from the petitioner and he has been roped in only on the basis of the disclosure statement of a co-accused from whose possession the contraband was recovered. Learned State counsel further submits that as per the disclosure statement, a sum of Rs.2,00,000/- has been given by the petitioner to co-accused Raj Kumar for the purchase of the contraband, which is a serious act on the part of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case, where no contraband has been recovered from the petitioner and he has only been roped in the present case on the basis of the disclosure statement of a co-accused Raj Kumar, which disclosure statement is yet to be proved in the Court of law coupled with the fact that the petitioner is behind the bars since 10.12.2022, no useful purpose will be achieved by keeping the petitioner behind the bars, hence the petitioner has made out a case for the grant of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not to obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

July 12, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No