

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

CRM-M-26118-2022  
Date of Decision:-**02.05.2023**

KULDEEP

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

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Present:- Mr. Aditya Sanghi, Advocate  
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

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**KARAMJIT SINGH, J.** (Oral)

1. Prayer is for grant of regular bail in case having FIR No.405 dated 5.4.2022 registered under Sections 17(c), 29, 27(a) of NDPS Act, at Police Station Sadar Hisar, District Hisar.
2. The allegations in nut-shell are that on 5.4.2022 co-accused Ghevar Ram and Rakesh were arrested by the police on the basis of secret information and 8.250 kgs. of Opium was recovered from the vehicle, in which both of them were travelling. Subsequently, the present petitioner was nominated as an accused on the basis of disclosure statement made by Ghevar Ram to the effect that the aforesaid

contraband was meant to be delivered to 5 different persons including the present petitioner. Consequently, the present petitioner was arrested in this case on 10.5.2022.

3. The counsel for the petitioner submits that the petitioner was not named in the FIR and later on named as a accused on the basis of disclosure statement made by co-accused Ghevar Ram and the said disclosure statement is subject matter of trial. The counsel for the petitioner submits that the petitioner was arrested on 10.5.2022 and is in judicial custody and the police has presented challan and that during investigation, no contraband was recovered from the possession of the petitioner, who is having no criminal history. The counsel for the petitioner further submits that earlier co-accused Ghevar Ram escaped from the police custody and re-arrested on 25.4.2023. The counsel further submits that in the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner as conclusion of trial will take long time.
4. The instant petition is contested by the State counsel, who on instructions from ASI Parveen Kumar submits that in the present case FIR was registered against Gehvar Rama and Rakesh on the basis of secret information and consequently they were arrested along with 8.250 kgs. of Opium and thereafter co-accused Ghevar Ram made disclosure statement against 5 persons including the petitioner to whom the aforesaid contraband was meant to be supplied. The State counsel further submits that the petitioner was arrested on 10.5.2022 but during investigation no contraband or objectionable article was

recovered from the possession of the petitioner. The State counsel has not disputed the fact that after completion of investigation, challan stands presented but trial is yet to commence.

5. I have considered the submissions made by counsel for the parties.
6. Admittedly, the petitioner was not named in the FIR and later on nominated as an accused on the basis of alleged disclosure statement of Ghevar Ram, the veracity and admissibility of the said disclosure statement will be tested during trial. The petitioner is in custody since 10.5.2022 and is having no criminal history and during investigation, no contraband was stated to have been recovered from the petitioner. Further, it will take time for the trial to conclude as the same is at initial stage. So no purpose is going to be served by keeping the petitioner behind the bars for indefinite period.
7. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

**02.05.2023**  
Gaurav Sorot

**( KARAMJIT SINGH )**  
**JUDGE**

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|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |