

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27601-2023

Date of decision : 04.07.2023

Amar Chand @Amru

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavata, AAG, Haryana.

MANOJ BAJAJ, J.

By means of this petition under Section 439 Cr.P.C, the petitioner seeks regular bail during the pendency of the trial in case FIR No.43 dated 19.01.2023 registered under Section 20 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Industrial Sector 29, Panipat, District Panipat. The petitioner was arrested on 22.01.2023.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Panipat in the order dated 11.05.2023 are as under:-

“The facts of the bail application, in brief, are that 19.01.2023 SI Satpal Singh alongwith other police officials were present at Risalu turn Sector 29, Part -2, Panipat. The secret informer informed him that one Naresh son of Raj Singh sells Charas illegally and he informed that he will come from Panipat on his car bearing no.HR-14M-5683 having Charas in his possession. Believing the information to be true, information under Section 42 of the NDPS Act was sent to higher officers. The barricades were laid down. After about 15-20 minutes a white colour Alto car was seen coming from the side of village Sewah. The car was got stopped. The car was bearing registration no.HR14M-5683. The driver of the car asked his name and he told his name Naresh son of Raj Singh, resident of Panchi Jatan Police Station Gannaur, District Sonapat. A blue colour packet was

placed in the lap of the said person. A notice under Section 50 of NDPS Act was served upon him. After complying the provisions of Section 50 NDPS Act, the said person was searched. From his possession 1 Kg 204 grams was recovered by the police.”

Learned counsel for the petitioner has argued that the recovery of contraband (1 Kg 204 grams charas) was recovered from co-accused-Naresh son of Raj Singh, and petitioner has been implicated in the present case on the basis of disclosure statement of co-accused-Naresh. According to him, petitioner is not involved in any other case of similar nature. He submits that the case of the prosecution is comparatively founded upon weak nature of evidence and the investigation of the case is also complete as final report stands filed on 27.03.2023. He prays for regular bail.

While opposing the prayer, learned State counsel assisted by SI Krishan Kumar has argued that the co-accused-Naresh in his disclosure statement specifically stated that the contraband was delivered to him by the petitioner, therefore, the petitioner was rightly implicated in this case as an accused. However, it is not disputed by learned State counsel that the petitioner is not involved in any other case of similar nature. In this regard, he has filed the custody certificate dated 03.07.2023 of the petitioner. He on instructions further states that the investigation is complete, but charges are yet to be framed.

After hearing learned counsel for the parties and examining the background of this case, this Court finds the present case to be a fit case for granting regular bail to the petitioner as the investigation of the case is complete. During the course of hearing, it is not disputed by learned State counsel that neither any recovery was made from the petitioner nor he is

involved in any other case of similar nature. Since the trial is yet to commence, therefore, further detention of the petitioner behind the bars may not serve any useful purpose. Apart from it, the prosecution witnesses are police official and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

04.07.2023

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	Whether Reportable :	Yes	No