

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

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2023:PHHC:084433

CRM-M No.27336 of 2023

Date of decision: July 5th, 2023

Sunil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana,
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.15 dated 25.01.2023 lodged under Sections 22C/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ram Nagar, District Karnal.

Learned counsel for the petitioner, while drawing the attention of this Court to the FIR in question, which has been annexed as Annexure P-1, *inter alia*, submits that secret information was received by the police qua co-accused Hemraj from whom recovery of 150 grams of Alprazolam Tablets was effected. He submits that in the secret information received, there was no whisper qua the involvement of the petitioner and it was only after co-accused Hemraj had been arrested along with the aforementioned contraband, he suffered a disclosure statement, wherein he nominated the petitioner as an accused in the instant case by stating that the recovered contraband had been procured by him from the petitioner. Learned counsel submits that the petitioner has clean antecedents as he is not involved

in any other criminal case much less under the NDPS Act, which clearly indicates towards his false implication in the case in hand. It has further been submitted that after the petitioner was arrested on 29.01.2023, challan stands presented, however, charges have not yet been framed. Hence, the trial is unlikely to conclude in the near future as 17 prosecution witnesses have been cited.

Per contra, learned State counsel, while opposing the prayer of the counsel opposite, has not been able to controvert that the petitioner does not have any criminal antecedents and still further, no recovery much less of Alprazolam Tablets was effected from the petitioner. Learned State counsel, on instructions from ASI Sandeep, has submitted that the next date fixed before the trial Court is 07.07.2023 when charges are likely to be framed.

I have heard learned counsel for the parties and perused the relevant material placed on record.

The investigation in the case in hand is complete and as apprised by the learned State counsel, the charges are likely to be framed on the next date of hearing.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner and, accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 5th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No