

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M 29843 of 2022

Date of Decision: 31.01.2023

Harpal

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.118 dated 25.03.2022, under Section 18 of NDPS Act (Section 29 of the NDPS Act was added later on), registered at Police Station Parao Ambala Cantt. District Ambala.

Learned counsel for the petitioner states that no recovery is effected from from the petitioner. He has been falsely implicated in this case on the basis of disclosure statement made by co-accused Neeraj, who is already granted bail by the Co-ordinate Bench of this Court vide order dated 29.09.2022 in CRM-M-36117-2022. He further submits that the recovery in this case is slightly more than the commercial quantity. There is only disclosure statement against the petitioner made by the co-accused which has no evidentiary value. He relies on judgment of the Hon'ble Supreme Court '*Tofan Singh Vs. State of Tamil Nadu (2021) 4 (SCCI)*'.

Status report by way of affidavit of Anil Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt. District Ambala, on behalf of respondent-State, is filed in Court today. The same is taken on record.

Learned State counsel has vehemently opposed the application.

He submits that contraband of 2 kg 600 grams of opium has been recovered from the driver seat of car of co-accused and as per disclosure statement, petitioner had supplied 1 kg 600 grams of opium out of the total quantity recovered. He further submits that the challan has been presented in this case.

Heard.

In view of the above, without commenting anything on the merits of the case and taking into account the fact that no recovery is effected from the petitioner, challan is already presented in this case, since the trial is not likely to be concluded in near future as also the fact that he was named on the basis of disclosure statement made by the co-accused that he has purchased part of the recovered opium from the petitioner, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

January 31, 2023

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No