

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31040-2022

Date of Decision: 15.3.2023

Gurmeet Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Pushp Jain, Advocate for
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J.(Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.88 dated 14.3.2022 registered for the offences punishable under Sections 21(C) of NDPS Act (Section 27-A of NDPS Act added later on) at Police Station City Ratia, District Fatehabad.

The allegations in nutshell are that the police apprehended co-accused Rama and recovered 298 strips each containing 10 tablets of Alprazolam from him on 14.3.2022 and said Rama made disclosure statement that he procured the said medical intoxicants from the present petitioner and consequently, the petitioner was named as accused in the present case and was arrested on 15.3.2022 and amount of ₹ 25,000/- was recovered from his house.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is incarcerated for the last more than 1 year and is having no criminal history. He further submits that the petitioner has been named as accused only on the basis of the alleged disclosure statement made by co-accused Rama from whom the police is stated to have recovered 298 strips each containing 10 tablets of Alprazolam. He further submits that the veracity and relevance of the said disclosure statement is subject matter of trial. He further submits that undoubtedly, challan has been presented but trial is yet to commence. He further submits that it will take considerable time for the trial to conclude even after framing of charges. So, prayer is made for grant of regular bail to the petitioner.

Present petition is opposed by the State counsel who on instructions from ASI Kailash Chand submits that 2980 tablets of Alprazolam were recovered from co-accused Rama who disclosed that he procured the said contraband from the present petitioner and resultantly, the petitioner was arraigned as accused and arrested on 15.3.2022. However, the State counsel has not disputed the fact that the trial is yet to commence and that the petitioner is having no criminal history and is behind the bars for the last more than 1 year.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR which was registered against co-accused Rama from whom the police recovered 298 strips each containing 10 tablets of Alprazolam and thereafter, the petitioner was named as accused on the basis of the disclosure statement made by said

Rama and consequently, the petitioner was arrested but no contraband was recovered from his possession except ₹ 25,000/- which the police claims to be drug money. The evidentiary value of the alleged disclosure made by co-accused against the petitioner will be tested during the trial. Admittedly, the police has presented the challan on completion of investigation but charges are yet to be framed and only thereafter, the trial will commence. So, it will take considerable time for trial to conclude. The petitioner is having no criminal antecedents. Except for the aforesaid disclosure statement, there is no other evidence collected by the police to connect the petitioner with the recovery of 298 strips each containing 10 tablets of Alprazolam effected from the possession of co-accused Rama. In the given circumstances, no useful purpose is going to be served by prolonging the judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 15, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No