

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30888-2023
Decided on : 07.07.2023

Ramneet @ Chinnu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.433 dated 16.08.2022 under Section 21(c), 27-A, 29, 61, 85 of NDPS Act registered at Police Station Sadar Fatehabad District Fatehabad.

2. Learned counsel for the petitioner submits that the previous petition wherein similar relief had been sought, had been withdrawn on account of the fact that inadvertently it had not been mentioned therein that the petitioner was involved in four other cases under IPC.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand on the basis of disclosure statement suffered by co-accused Kalawati, who in turn was nominated as an accused on the basis of a disclosure statement allegedly suffered by accused Amandeep Singh, who was apprehended at the spot along

with 250 grams of heroin. Learned counsel submits that the evidentiary value of such disclosure statement is of a weak nature and all this needs to be appreciated from the fact that the petitioner is not involved in any other case under the NDPS Act and still further no recovery of any Narcotic Substance was effected from the petitioner on being arrested by the police on 24.08.2022. Learned counsel has also submitted that the recovery effected from accused Amandeep Singh is just marginally higher than the minimum prescribed under the commercial quantity. Learned counsel further submits that since investigation is complete as challan was presented on 29.03.2023, further incarceration of the petitioner would serve no useful purpose as even charges have not been framed till date.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to controvert the factual aspect of the submissions made by the counsel opposite qua the petitioner having been nominated as an accused on the basis of disclosure statement suffered by co-accused Amandeep Singh as well as the fact that the petitioner is not involved in any other case under the NDPS Act. Learned State counsel, however, on instructions submits that there are as many as four other criminal cases pending against the petitioner.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. In the facts and circumstances as enumerated hereinabove since investigation is complete and the petitioner is not involved in any other case

under the NDPS Act, further incarceration of the petitioner would serve no useful purpose as charges have not yet been framed. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. 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. Needless to add that in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of bail granted to him.

07.07.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No