

2023:PHHC:104719

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

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CRM-M-38573-2023

Date of decision : 11.08.2023

Shiv Kumar Vaishnav

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Dr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.847 dated 17.12.2022, registered for the offences punishable under Sections 22C, 29, 61 and 85 of NDPS Act, at Police Station Sector 8, Faridabad, Haryana.

2. Counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure made by Imran-the main accused.

3. It has been further submitted that Imran suffered two disclosures, one on the date of FIR itself i.e. on 17.12.2022 and the other on 19.12.2022. Interestingly, the name of the petitioner does not figure in the first disclosure made on 17.12.2022, but only in the disclosure made on 19.12.2022. Petitioner is behind bars since 17.06.2023 and has no criminal antecedents. Counsel further relies upon

***Tofan Singh vs. State of Tamil Nadu* reported as (2021) 4 SCC 1.**

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4. Counsel for the State is not in a position to dispute the aforesaid factual assertions made by counsel for the petitioner based on record.
5. Without commenting on the merits of the case, keeping in view the law laid down in *Tofan Singh’s case (supra)* and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

11.08.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No