

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40479-2023

Date of Decision:23.08.2023

Sunil

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. K.L.Saini, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.296 dated 15.06.2023 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A of NDPS Act added later on), at Police Station City Jind, District Jind.

As per story of the prosecution, the FIR in the present case was registered on the basis of a secret information received by the police. After associating a Gazetted Officer and following a due process of law, co-accused Himanshu Saini was arrested and 300 tablets of banned Tramadol Prolonged-Release Tablets IP Tramwell SR 100 were recovered from him. During the course of his interrogation, Himanshu Saini suffered a disclosure statement that he had purchased the tablets from Sunil Naik, the present petitioner.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by Himanshu Saini, co-accused. Even the police had allegedly effected the recovery of 300 tablets of Tramadol from the co-accused, which would fall within the ambit of 'intermediate quantity'. After the petitioner was arrested on 27.06.2023 and is in custody since then. After the arrest of the petitioner, no recovery was effected from him. Learned counsel further contends that one more case was registered against the present petitioner, however, vide order dated 16.03.2021 in CRM-M-8186 of 2021, the petitioner has already been granted the concession of regular bail in the said case.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and he does not deserve the concession of bail.

I have heard the learned counsel for the parties and perused the record.

As per case of the prosecution, except the disclosure statement suffered by the co-accused, there is no other evidence against the present petitioner and the evidentiary value of the said disclosure statement is yet to be decided by the trial Court during the course of trial. The petitioner was arrested in the present case on 27.06.2023 and the investigation is almost complete against him. Even after his arrest, no recovery was effected from the present petitioner.

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

23.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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