

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

CRM-M-44020-2023

Date of Decision:12.09.2023

Lalit Mangal

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Jasneet Mehra, Advocate for
 Mr. Amrainder Singh, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. 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.0153 dated 22.04.2023 registered under Section 22 (C) of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Ballabgarh Sadar, District Faridabad.

2. The FIR in the present case was registered on the basis of a secret information received by the police to the effect that Gaurav, co-accused was carrying some contraband. A police team was constituted and Gaurav was found in possession of 22 Buprenorphine Injections of 2 ml each i.e. total 44 ml and was found to be carrying the said contraband without any permit or licence. With these allegations, the FIR in the present case was registered against Gaurav, co-accused.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely involved in the present case. She further submits that the petitioner was arrested in the present case on 23.04.2023 and even after his arrest, no recovery was effected from the present

petitioner. She further submits that except the disclosure statement suffered by co-accused in police custody, the police could not find any other incriminating evidence against the petitioner and the admissibility of the said disclosure statement is yet to be adjudicated by the trial Court. She further submits that the present petitioner is a first offender and deserves sympathetic consideration by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the recovery from the co-accused was commercial in nature and the petitioner does not deserve the concession of bail.

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

6. The petitioner was arrested in the present case on 23.04.2023 and challan has already been presented against the petitioner in the present case and the case is now listed for framing of charges on 21.10.2023 before the trial Court. Thus, the conclusion of the trial may take quite a long time.

7. 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.

(N.S.SHEKHAWAT)
JUDGE

12.09.2023
hemlata

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