

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
227

CRM-M-48265-2022

Date of Decision: 13.04.2023

Shakil Ahmad @ Salim

.... Petitioner

Versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Nitin Sharma, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

**ASHOK KUMAR VERMA, J. (ORAL)**

Custody certificate dated 12.04.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 0062 dated 26.02.2022 registered under Section 21(C) of the NDPS Act at Police Station Narwana Sadar, Jind.

Brief facts of the case are that on 26.02.2022, the police apprehended co-accused of the petitioner, namely; Sonu @ Sanjay and co-accused Ram Kishan @ Kishan, on the basis of secret information, while coming on Cruiser Vehicle. On search, 412 grams of heroin was recovered from Sonu @ Sanjay and 102 grams of heroin was recovered from Ram Kishan @ Kishan which they possessed without any licence or permit. They both were arrested and suffered a disclosure statement that

the petitioner and co-accused-Akbar, had supplied the recovered heroin to them.

Learned counsel for the petitioner, *inter alia*, contends that petitioner was not apprehended at the spot. He has falsely been implicated in the case on the basis disclosure statement suffered by his co-accused, which is a very weak type of evidence. Nothing has to be recovered from the petitioner. He is not involved in any other case under the NDPS Act. Petitioner is in custody since 24.05.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Co-accused of the petitioner, namely; Ram Kishan @ Kishan, had already been enlarged on bail by the trial Court. Thus, it is prayed that the petitioner may also be granted the concession of regular bail.

On the other land, learned State Counsel has opposed the present petition in terms of reply dated 24.03.2023 which is already filed in the Registry. However, he fairly conceded the fact that petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that petitioner is not involved in any other case under the NDPS Act, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-  
Shakil Ahmad @ Salim, is ordered to be released on regular bail subject  
to his furnishing bail/surety bonds to the satisfaction of the trial  
Court/Duty Magistrate/ Chief Judicial Magistrate, concerned.

13.04.2023

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(ASHOK KUMAR VERMA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |