

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

226

2023:PHHC:161297

CRM-M-45753-2023

Date of decision: December 14, 2023

Pardeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Partap Singh, Advocate with
Mr. Gaurav Jangra, Advocate
for the petitioner.

Ms. Jasleen Chahal, DAG, Haryana
for respondent No.1-State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking concession of regular bail in FIR No.136 dated 04.07.2023 under Section 22(C) (Section 29 added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jhansa, District Kurukshetra.

2. Learned counsel for the petitioner has submitted that it is a case of false implication which is evident from the fact that he has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act coupled with the fact that no recovery of any contraband was effected from him; rather he came to be nominated pursuant to a second disclosure statement made by accused Parveen who too had been nominated as an accused by the prime accused Ravi Saini from whom recovery of contraband was effected. Learned counsel submits that out of the recoveries effected from co-accused Ravi Saini, during his disclosure statement he had stated that the substances i.e. Tusklis-T, Tromacure-100 SR, Tromacure-D and Cendol-P HAB

Pharma had been purchased by him from the petitioner whereas the

remaining three substances i.e. Alprade-0.5, Alprade 0.5 Laborate and Freedom kit of Milepristone had been purchased from one Sanju. Learned counsel submits that the evidentiary value of the disclosure statement on the basis of which he has been nominated as an accused is of a weak nature and all this requires to be appreciated in the light of his clean antecedents. It has been further submitted that there is no likelihood of conclusion of trial in the near future as even the charges have not yet been framed.

3. Reply by way of affidavit dated 28.11.2023 has been filed on behalf of the respondent-State in Court today. The same is taken on record.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not been able to controvert that the petitioner was nominated as an accused on the supplementary disclosure statement made by co-accused Ravi Saini however, she submits that there were some bank transactions between the petitioner and co-accused Ravi Saini in the sum of Rs.4822/- which *prima facie* reflected his complicity in the crime in question. Learned State counsel on further instructions has, however, not disputed that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act.

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

6. The petitioner has been in custody since 25.07.2023. The trial is unlikely to conclude in the near future.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. Petitioner be admitted to bail to the

satisfaction of the trial Court/Duty Magistrate concerned. 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 14, 2023
ps

(MANJARI NEHRU KAUL)
JUDGE

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