

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

CRM-M-48174-2022
Date of Decision:-**21.02.2023**

NARESH @ GUDARI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Anirudh Singh Shera, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.468 dated 14.12.2021 registered under Section 20 and 27 of NDPS Act at Police Station Gohana Sadar District Sonipat.

As per the case of prosecution, police received secret information against co-accused Geeta and then police raided her premises and from there recovery of 1.390 kgs. of 'Charas' was effected and said Geeta was also arrested at the spot. Thereafter Geeta made disclosure statement that her husband namely Sombir used to procure 'Charas' from the

petitioner and some other persons and then Sombir stored the same in his house. Consequently, the petitioner was nominated as accused and arrested on 20.01.2022.

The counsel for the petitioner submits that the petitioner was not named in the FIR and later on impleaded as accused on the basis of disclosure made by co-accused-Geeta from whom the police recovered 1.390 kgs. of 'Charas'. The counsel for the petitioner further submits that the aforesaid disclosure made by co-accused Geeta is to be tested during trial and further the trial is not progressing ahead and the petitioner is in custody for the last more than 1 year and 1 month. So prayer is made that petitioner be released on regular bail.

The present petition is opposed by the State counsel, who on instructions from ASI Sanjay submits that the FIR in this case was registered against Geeta wife of Sombir on the basis of secret information and thereafter recovery of 1.390 kgs. of 'Charas' was effected from the premises where Geeta was residing with her family and that thereafter on the basis of her disclosure and that of co-accused Sombir, the petitioner was nominated as accused and consequently arrested in the present case. The State counsel further apprised the Court till date prosecution has failed to examine any of the 21 witnesses cited by it.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR which was registered against co-accused/Geeta who was arrested on 14.12.2021 and recovery of 1.390 kgs of 'Charas' was also effected at that time from Geeta.

The petitioner was arraigned as accused on the basis of disclosure made by Geeta and her husband-Sombir and thereafter arrested on 20.1.2022. The relevancy and admissibility of the disclosure statement made by the co-accused Geeta and Sombir will be examined during trial. After completion of investigation the police has presented the challan, but the trial is not going ahead as has been admitted by the State counsel. As per the custody certificate furnished by the State counsel, the petitioner is behind bars for period of 1 year and 1 month and as per custody certificate. It will take considerable time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars for any longer period.

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

(KARAMJIT SINGH)
JUDGE

21.02.2023
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No