

**226-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-50006 of 2022(O&M)

Date of Decision: 13.02.2023

Sharwan Kumar @ Sharvan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Ms. Diya Narula, Advocate for
Mr. Ajay Kumar, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 366 dated 17.07.2022, registered under Sections 22(c), 27-A, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) at Police Station Sadar Fatehabad.

The allegations in nutshell are that the FIR in this case was registered against co-accused Madan Lal from whom the police recovered 1080 tablets of Alprazolam and 250 tablets of Tramadol on 17.07.2022. Further during investigation co-accused Mohit was arrested and he disclosed that he procured the above said 1080 tablets of Alprazolam from the present petitioner and then the present petitioner was arrested and is in judicial custody since 18.08.2022 and police recovered Rs.900/- from the petitioner.

The counsel for the petitioner submits that the petitioner is having no criminal history and is in custody since 18.08.2022 and has been nominated as accused only on the basis of disclosure statement of co-accused Mohit. The counsel for the petitioner further submits that no contraband has been recovered from the present petitioner and that the relevance and veracity of the alleged disclosure made by co-accused Mohit will be tested during the trial.

On the other hand the State counsel submits that the petitioner was arrested in this case and is in judicial custody since 18.08.2022 after his name surfaced in the disclosure made by co-accused Mohit. However, the State counsel has not disputed the fact that only Rs.900/- were recovered from the petitioner and after completion of investigation challan has been presented and that the petitioner is having no criminal history.

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

In the instant case, no contraband was recovered from the possession of the petitioner who was arraigned as an accused on the basis of disclosure statement of co-accused Mohit and consequent to his arrest he is in judicial custody since 18.08.2022. The admissibility and veracity of the aforesaid disclosure statement made by co-accused will be examined at the appropriate stage in the trial. Admittedly, the challan has been presented but it will take time for the trial to conclude. So, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, 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/Chief Judicial Magistrate/Duty Magistrate concerned.

13.02.2023

Jiten

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No