

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:161748
CRM-M-48769-2023
Date of Decision: December 16, 2023

Sandeep @ Ganggi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rishi Pal Singh Garttan, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

Status report by way of an affidavit of Shri Suresh Kumar, Deputy Superintendent of Police (HQ), Karnal alongwith the custody certificate on behalf of the respondent-State has been filed.

2. Learned counsel for the petitioner has also placed on record the copy of the order dated 04.08.2023 passed by this Court in CRM-M-30051 of 2023, whereby earlier petition of the petitioner was dismissed as withdrawn.

3. Learned counsel for the petitioner submits that by that time when earlier petition was filed, challan was not filed and the present petition has been filed after filing of the challan.

4. This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.280 dated 20.04.2023, under Section 21 (c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (Section 29 of the NDPS Act added later on), registered at Police Station Assandh, District Karnal.

5. Allegations are that 4800 intoxicated tablets containing the salt of diphenoxylate weighing 503 grams were recovered from the

possession of co-accused Satpal @ Laddi on 20.04.2023, and in his disclosure statement, he nominated the petitioner to be the supplier.

6. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated; that he has no connection with the crime related to NDPS Act; that he is nominated only on the basis of disclosure statement, which is not admissible in evidence and that he has no criminal antecedent and the trial may take time to conclude.

7. Learned State counsel has opposed the bail petition by pointing out the fact that recovered quantity of the contraband falls in commercial category, which is more than 10 times of the commercial category. Learned State counsel has further submitted that petitioner is involved in 02 more cases, out of which one is under Section 138 of the Negotiable Instruments Act, 1881. However, it is conceded by learned State counsel that the petitioner is not involved in any other case pertaining to NDPS Act. It is also stated that no recovery was effected from the petitioner.

8. To a specific query put by this Court, learned State counsel states that except the disclosure statement of co-accused, no other incriminating material was found against the petitioner.

9. Petitioner is in custody for the last 07 months and 18 days, as per the custody certificate placed on record, with no criminal antecedent pertaining to NDPS Act against him.

10. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing

requisite bail bonds and surety bonds to the satisfaction of learned Trial
Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

December 16, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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