

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

CRM-M-52738-2023

Date of Decision:20.10.2023

Deepak Chauhan

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Baljeet Beniwal, Advocate with
Ms. Gursimran Walia, Advocate
for petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 608 dated 08.09.2023 registered under Sections 21-B,29 of NDPS Act registered at Police Station Palla, District Faridabad.

2. The FIR in the present case was registered on the basis of the statement made by ASI Bhagat Singh, who had received a secret information with regard to the involvement of Ranjeet Singh @ Sunny. As per the secret information, Ranjeet Singh @ Sunny was indulging in the trade of contraband and in case a picket was set up, he could be apprehended with contraband. As per the complainant, after complying with the provisions of Section 42 and 50 of the NDPS Act, the main accused Ranjeet Singh @ Sunny was arrested and 5.10 gram of smack was recovered from his search. With these main allegations, the FIR in the present case was registered.

3. Learned counsel for the petitioner contends that the petitioner was

not named in the FIR and has been nominated as an accused on the basis of the disclosure statement made by Ranjeet Singh @ Sunny. The petitioner was arrested in the present case on 09.09.2023 and no recovery was effected from him. He further contends that in the present case, the investigation is almost complete and further custody of the petitioner will not serve meaningful purpose.

4. On the other hand learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail. However, she admits that there is no other case against the present petitioner.

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

6. It is clear that the petitioner was not named as one of the person, against whom the secret information was received. Further, at this stage, the only evidence against the present petitioner is the disclosure statement of the co-accused and in view of the law laid down by the Hon'ble Supreme Court in the matter of **State of Haryana Vs. Samarth Kumar**, 2022 Live Law (SC) 622 Such a plea can always be taken into consideration by this Court, while considering the regular bail application to the petitioner. Still further the prosecution could not place on record any material to show that the petitioner is in a position to influence the witnesses of the prosecution or there is no apprehension fleeing from the process of law.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending

trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

20.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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