

210-1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 55311 of 2023

Date of Decision:- 08.12.2023

YAN SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gurveer Singh Sidhu, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
0268	22.08.2023	20 NDPS Act (29 added lateron)	Sector-5, Panchkula

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was not named in the FIR but has been nominated on the basis of alleged disclosure statement made by co-accused Sachin Kumar who was apprehended in the said FIR. He submits that no

recovery has been effected from the petitioner and he is in custody since 28.08.2023. He further submits that the petitioner is having clean antecedents, as such he prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail application by arguing that the petitioner has been nominated on the basis of disclosure statement made by co-accused Sachin Kumar and he is in custody since 28.08.2023. He submits that no recovery has been effected from the petitioner. He has also not denied the fact that there is no other case registered against the petitioner under the NDPS Act.

4. After considering the rival contentions and perusing the record, it transpires that admittedly the petitioner was not named in the FIR but was nominated on the basis of disclosure made by co-accused Sachin Kumar. Petitioner is in custody since 28.08.2023 and no recovery has been effected from him and even he is not involved in any other criminal case. Challan is yet to be presented by police, therefore, to ascertain criminal liability, if any, on the petitioner would be determined after completion of trial which will take sufficient long time, no useful purpose would be served by detaining the petitioner any longer in custody.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave

the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.12.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No