

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214 CRM-M-58735-2023
Date of Decision.:08.12.2023

Deepak KumarPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Bhavna Grewal, Advocate
for the petitioner.

(Through Video Conferencing)

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.438 dated 23.06.2023 registered under Sections 18, 29-27A NDPS Act 61 of 1985 registered at Police Station Thanesar, Sadar, District Kurukshetra.

2. Allegations are that 3.100 Kgs. of opium was recovered from possession of co-accused Pankaj Kumar and Santosh Kumar on the basis of secret information. Both of them in their disclosure statement nominated the petitioner to have financed so as to buy the contraband. Pursuant thereto, petitioner was arrested and an amount of ₹3,000/- is stated to be recovered from him.

3. Learned counsel contends that petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused, which is not admissible in evidence. Learned counsel further contends that

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petitioner has no criminal antecedents and has never been involved in any such case.

4. Notice of motion.
5. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of respondent- State.
6. Learned State counsel could not refute the aforesaid contentions to the effect that no recovery of any contraband was effected from the petitioner nor he is involved in any other case. Custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 05 months and 10 days with no criminal antecedents.
7. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

December 08, 2023
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No