

Neutral Citation No.2023:PHHC:165043
IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-63163 of 2023 (O&M)

Date of decision : 21.12.2023

...

Balvant Singh Sondhia

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhavdeep Singh Mamli, Advocate for the petitioner.

Ms. Jasleen Chahal, Assistant Advocate General, Haryana,
for the respondent -State

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MANJARI NEHRU KAUL, J. (ORAL)

This is second petition seeking the concession of regular bail under Section 439 Cr.P.C., in case FIR No.238 dated 28.6.2023 under Sections 15, 25, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred to as 'the NDPS Act'), registered at Police Station Sadar Pehowa, District Kurukshetra, as previous petition was dismissed as withdrawn on 8.11.2023.

2. Learned counsel for the petitioner, inter alia contends that the petitioner has been implicated in the case in hand on the basis of a disclosure statement, allegedly suffered by c-accused Ram Kumar and Raj Pal, from whom recovery of 56 kgs of poppy husk

was effected. Learned counsel submits that the petitioner has clean antecedents, coupled with the fact that the disclosure statement on the basis of which, he has been nominated as an accused, has very weak evidenciary value, he deserves to be extended the concession of bail, more so, since the investigation in the case in hand is complete.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that no recovery of any contraband, much less, poppy husk, was effected from the petitioner when he was arrested on 3.7.2023. However, she submits that the petitioner's name surfaced during the investigation when the co-accused, from whom the alleged recoveries were effected, specifically nominated him of having supplied the contraband to them. Learned State counsel, on further instructions, has not disputed that the investigation in the case in hand is complete as challan stands presented. However, she submits that the next date before the trial Court is 16.1.2024, when the charges are likely to be framed.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. As not disputed by the learned State counsel, no recovery of any narcotic substance was effected from the petitioner on being arrested, coupled with the fact that he has no criminal antecedents, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed

hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

21.12.2023
chugh

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned Yes / No

Whether reportable Yes / No