



CRM-M No.891 of 2024

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

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CRM-M No.891 of 2024

Date of Decision: 09.05.2024

SUNNY MITTAL

.....Petitioner

Vs

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.271 dated 28.06.2023 registered under Sections 20 and 29 of NDPS Act, 1985 at Police Station Sector 13/17 Panipat, District Panipat, Haryana.

2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement made by one of the co-accused namely Gurtej Singh @ Guri, who was arrested from the spot with the alleged recovery of 1 kgs. & 235 grams of *Charas* from him, besides arrest of two other persons namely Rakesh @ Raka and Harpreet from whom 1 kg. & 524 grams of *Charas* and 650 grams of *Charas* were recovered respectively.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that recovery from the co-accused Gurtej Singh @ Guri was of commercial quantity, who disclosed the name of petitioner and the custody period of petitioner is only 07 months, thus, he does not deserve the concession of regular bail. Moreover, the petitioner is also involved in one more case under Section 337/279 IPC.



4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the petitioner was never apprehended at the spot; no recovery of contraband has been effected from him and he was nominated merely on the basis of disclosure statement made by one of the co-accused. Petitioner is not involved in any other case under the NDPS Act and is behind the bars for a period of 07 months by now. The investigation already stands concluded with the filing of challan followed by framing of charges, however none of the prosecution witness has been examined so far and, thus, the trial is likely to take sometime in its culmination. In addition, one of the co-accused namely Harpreet Singh from whom 605 grams of Charas of non-commercial quantity was recovered has already been granted concession of regular bail vide order dated 29.09.2023 passed by this Court in CRM-M No.48644 of 2023.
6. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

May 09, 2024
Atik

(HARKESH MANUJA)
JUDGE

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