

S. No.230

2024:PHHC:030242

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

CRM-M-1572 of 2024

Date of Decision:04.03.2024

Ashu @ Aas Mohammad and another

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikrant Koundal, Advocazte for Mr. Mazlish Khan,
Advocate for the petitioners.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Suresh Kumar, HPS, Deputy Superintendent of Police, Traffic, Panipat has been filed on behalf of the respondent- State, along with custody certificate of petitioner – Ashu @ Aas Mohammad.

2. By way of present petition filed under Section 439 Cr.P.C., the two petitioners, namely, Ashu @ Aas Mohammad and Sahanawaj @ Shanu, pray for grant of regular bail in case FIR No.390 dated 19.07.2023 registered under Section 22-C and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Industrial Sector 29, Panipat, District Panipat (Haryana).

3. As per allegations, 25 injections of Bupernorphine, 2 ml each, falling in the commercial category, were recovered from possession of co-accused Amit alias Mita alias Mitti on 19.07.2023. In his disclosure statement, said Amit alias Mita alias Mitti nominated Sameer alias Abdul Sameer to be the supplier. Said Sameer alias Abdul Sameer further nominated the petitioners to be involved in the crime.

4. As per status report, filed by the respondent- State, role of petitioner No.1 – Ashu @ Aas Mohammad is that he bought the intoxicating injections from petitioner No.2 so as to sell it to co-accused Amit alias Mita alias Mitti. The role of petitioner No.2 is that he had sold the intoxicating injections to petitioner No.1.

5. Learned counsel for the petitioners contends that the petitioners have been falsely implicated on the basis of disclosure statement of co-accused; that co-accused Sameer alias Abdul Sameer, who nominated the petitioners, has already been allowed the benefit of anticipatory bail by this Court vide order dated 08.01.2024 in CRM-M-39807 of 2023, copy of which has been placed on record. Learned counsel further submits that the disclosure statement of co-accused is not admissible and that the petitioners are in custody for the last more than three months and, so they be allowed bail.

6. Learned State Counsel concedes the fact that no recovery has been effected from the petitioners and that they have been nominated only on the basis of disclosure statement of co-accused. However, learned State Counsel opposes the bail petition on the ground that petitioner - Ashu @ Aas Mohammad is involved in one more case pertaining to NDPS Act whereas petitioner – Sahanawaj @ Shanu is involved in three other cases pertaining to NDPS Act as per the details given in the status report.

7. Having regard to all the afore-said facts and circumstances of the case and the facts that no recovery has been effected from the petitioners; that their names have surfaced only in the disclosure statement of the co-accused, who has already been granted anticipatory bail by this Court vide order dated 08.01.2024 in CRM-M-39807 of 2023 and that the trial may take long time to conclude, but

without commenting anything on the merits of the case, the present petition is allowed. Both the petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

March 04, 2024
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(DEEPAK GUPTA)
JUDGE

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