

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

237

2024:PHHC:009669

CRM-M-2800-2024

Date of decision: January 24, 2024

SANJU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukhdeep Singh, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana
with SI Harbans.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.136 dated 04.07.2023 (Annexure P-1) under Sections 22(c), 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Jhansa, District Kurukshetra.

2. Learned counsel for the petitioner *inter alia* contends that petitioner has been in custody since 17.07.2023. He was arrested and implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Pardeep Kumar, whose name too had surfaced in the disclosure statement made by accused-Ravi Saini, from whom the alleged recovery of 1089 grams of intoxicant tablets was effected. Learned counsel submits that the evidentiary value of the disclosure statement, on the basis of which he has been challaned, is of a very weak nature and all this requires to be appreciated in the light of the petitioner having no criminal antecedents. It has also been submitted

that co-accused Pardeep Kumar, on whose disclosure statement, the petitioner had been nominated as an accused, had since been extended the concession of bail by this Court vide order dated 14.12.2023 (Annexure P-2).

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 the petitioner was nominated as an accused on a second disclosure statement made by co-accused Pardeep Kumar. It has also not been disputed by the learned State counsel that the petitioner has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act. Learned State counsel, on further instructions, has informed the Court that the next date fixed before the trial Court is 30.01.2024, when the charges are likely to be framed.

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

5. The petitioner came to be nominated in the case in hand on the basis of a disclosure statement. He has been in custody since 17.07.2023; investigation in the case in hand is complete as challan already stands presented.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact of the petitioner having clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

7. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

January 24, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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