

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3563-2024
Date of decision: 28.02.2024

RAVIPETITIONER(S)

Versus

STATE OF HARYANARESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Dr. Rishi Pal Singh, Advocate for the petitioner.

Mr. Vishal Malik, Deputy Advocate General, Haryana.

SANJIV BERRY, J.(ORAL)

1. Custody certificate dated 27.02.2024 filed in Court today. The same is taken on record. Copy thereof has been supplied to the opposite counsel.
2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case FIR (Annexure P-1) :-

FIR No.	Dated	Section	Police Station
0452	27.06.2023	22(c) of NDPS Act and Section 29 of NDPS Act added later on.	Indri, District Karnal.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has no concern with the alleged transaction and he has been nominated only on the disclosure statement of co-accused Rohit. He further contends that no recovery has been effected from the petitioner and the challan has already been presented in Court. The petitioner is in

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custody since 29.06.2023 having no other case. Hence, he prays for grant of bail.

4. *Per contra*, learned State counsel has opposed the bail application by arguing that there are specific allegations against the petitioner being supplier of the narcotic drugs and as such he deserves no concession of bail. However, he admitted that out of 9 prosecution witnesses cited by the prosecution none has been examined till date.

5. Considering the rival contentions and perusing the record, it transpires that the petitioner is not named in the FIR but has been nominated on the basis of disclosure statement made by co-accused Rohit from whom recovery of contraband was effected. The petitioner was arrested in this case on 29.06.2023 and no recovery has been effected from him. There is no other case against the petitioner. The challan has already been presented in Court wherein the prosecution cited 9 witnesses but till date, no witness has been examined. The conclusion of trial, to ascertain criminal liability, if any, of the petitioner, will take sufficient long time.

6. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

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7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

28.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |