

2024:PHHC:074424



211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4595-2024
Decided on:-24.05.2024

Ravinder Saini

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sunil Saharan, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.574 dated 04.08.2023 registered under Sections 22(c), 27-A of the NDPS Act, 1985 at Police Station Urban Estate, Distict Hisar, wherein the petitioner has been implicated on the basis of disclosure statement made by co-accused Sarvesh @ Dhillu against the alleged recovery of 04 litre of Tossex New, Tripolidine Hydrochloride, Codeine Phosphate Cough Syrup, 03 litre of Codistar-T cough syrup, Codenie Phosphate Tripolidine Hydrochloride Syrup and 192 capsules (total 116.4 gram) of Spasmo-Proxyvon plus, Dicyclomine Hydrochloride Tramadol Hydrochloride and Acetaminophen.

2. On the other hand, learned State counsel vehemently opposes the prayer made on behalf of the petitioner while submitting that there has been frequent call exchange between Sarvesh @ Dhillu and petitioner around the date of recovery, which was effected from Sarvesh @ Dhillu on 04.08.2023,

Besides it, learned State counsel also submits that 07 litre Codeine Phosphate cough syrup was purchased by the petitioner from one chemist in Delhi and payment against the same was made online and thus, his involvement is prima facie established. As such, the petitioner does not deserve the concession of regular bail.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, investigation already stands concluded with the filing of challan and the petitioner is behind the bars for the last more than 06 months now, besides it, he is not involved in any other case of NDPS Act and even no recovery has been effected from him. Even otherwise, the alleged recovery was effected on 04.08.2023, whereas, as per record petitioner was admitted in de-addiction centre w.e.f. 18.07.2023.

As regard the issues raised by learned State counsel that shall be gone into during trial.

5. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

24.05.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No