



CRM-M-10524-2024

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-10524-2024
Decided on : 29.05.2024

Musrat Ali Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. J.S.Sandhu, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.854 dated 16.11.2023 under Sections 21(c), 27-A and 29 of NDPS Act, 1985 registered at Police Station City Rohtak District Rohtak.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 13.12.2023 in the FIR in question. It has been submitted that though it is a case of a secret information, however, the said information had been received qua co-accused Naeem from whom an alleged recovery of 550 grams of heroin was affected. Learned counsel has further submitted that onbeing arrested, co-accused Naeem suffered a disclosure statement nominating the petitioner in the crime in question and



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stated that the recovered contraband had been supplied to him by the petitioner. Learned counsel still further submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act and the evidentiary value of the disclosure statement allegedly suffered by co-accused on the basis of which petitioner has been arrayed as an accused, is of an extremely weak nature. It has also been submitted that since the investigation in the case in hand is complete and challan stands presented, further incarceration of the petitioner would serve no useful purpose as 21 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute that no recovery of any contraband was affected from the petitioner even when he was arrested on 13.12.2023 pursuant to the disclosure statement allegedly suffered by the co-accused Naeem. It has also not been disputed by the State counsel on instructions that the petitioner is not involved in any other criminal case much less under the NDPS Act.

On a query put to the State counsel, she has submitted that challan was presented on 13.05.2024 and it is now fixed for 27.08.2024 when the charges are likely to be framed.

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



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5. The petitioner has been in custody since 13.12.2023. The investigation in the case in hand is complete as challan stands presented. The petitioner is not stated to be involved in any other criminal case coupled with the fact that no recovery of any contraband was affected from him after he was arrested pursuant to the disclosure statement made by the co-accused.
6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. 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.

29.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

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