



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

223**CRM-M-19141-2024****Date of decision: 22.10.2024****SARTHAK SHARMA**

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Piyush Hans, Advocate with Mr.Surender Paul, Advocate
and Mr.Pankaj Kaushik, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.94 dated 27.03.2024 under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sector 40, Gurugram District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case and has now been in custody since 29.03.2024. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annneuxre P-1, it has been asserted by the learned counsel that a secret information was received qua the involvement of co-accused Rudraksh in drug trafficking and no such secret information was received with respect to the petitioner; after co-accused Rudraksh was apprehended and a recovery of 18 Kgs. of Ganja affected from him, he suffered a disclosure statement wherein he allegedly nominated the petitioner as being the person who had supplied



the recovered Ganja. Learned counsel has argued that the disclosure statement on the basis of which he has been arraigned as an accused does not have much evidentiary value and in addition he is not involved in any other criminal case much less under the NDPS Act. It has also been submitted that since investigation in the present case is complete, challan stands presented and even charges stand framed, his further incarceration would serve no useful purpose since as many as 15 witnesses have been cited by the prosecution and in the circumstances there can be no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while vehemently opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner as well as the stage of trial. However, it has been submitted, on instructions, that the name of the petitioner surfaced in the disclosure statement made by co-accused Rudraksh; there was enough evidence in the form of telegram chats between the petitioner and co-accused Rudraksh from which it was discernible that they were in constant touch with each other and hence it corroborated the disclosure statement suffered by co accused that the recovered contraband had been supplied to him by none other than the petitioner.

On a pointed query put to the learned State counsel as to whether the petitioner has any previous criminal antecedents, he, on instructions, has replied in the negative. On a further query as to whether any contraband was recovered after the petitioner was arrested on



29.03.2024, learned State counsel on further instructions has also replied in the negative.

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

5. The petitioner has been in custody since 29.03.2024 and the investigation in the present case is complete and charges also stand framed. The possibility of the trial concluding in the near future seems remote as the prosecution evidence is likely to be recorded with effect from 04.11.2024. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

October 22, 2024
poonam

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