



CRM-M-18950-2024

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**104+212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-18950-2024 (O&M)**

Date of Decision: 23.07.2024

Pankaj

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)**CRM-29183-2024**

Allowed as prayed for. Annexure A-1 is taken on record.

Main case

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.37 dated 17.01.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 22-D and 29 of the NDPS Act added lateron), at Police Station Sector 32-33, Karnal, District Karnal.

2. Succinctly, facts of the case are that secret information was received that one Suresh is involved in selling the intoxicating pills and if raid is conducted, he can be arrested with the contraband. Finding the information received to be reliable, the Police party conducted raid and apprehended Suresh with the contraband. On search 48 capsules were recovered. The samples were taken and sent to the FSL. On receiving the FSL report, the contraband was found to be weighing 27 grams of Tramadol Hydrochloride. During the investigation, Suresh disclosed about Pankaj



(petitioner) who alleged to be the supplier of the contraband. On the basis of the same, the petitioner was also arrayed as an accused in the present case. Hence, the petitioner was arrested by the Investigating Agency on 18.01.2024. He approached the Court of learned Special Judge, Karnal praying for grant of regular bail, however, after hearing both the sides, the Court declined the same vide order dated 22.03.2024. Hence, the petitioner has approached this Court by way of the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently submitted that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner is named in the secret information nor any recovery has been made from him. He submits that the petitioner is arrayed as an accused only on the basis of the disclosure statement of co-accused Suresh. He submits that even otherwise, recovery effected from the co-accused is 27 grams of Tramadol Hydrochloride, which is non-commercial quantity, thus, provisions of Section 37 NDPS Act are not attracted. He further submits that the main accused i.e. Suresh has already been enlarged on bail by learned Special Judge, Karnal vide order dated 22.04.2024. It is submitted that the petitioner has no criminal antecedents and in the overall facts and circumstances, where there is no admissible evidence against the petitioner, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is duly named by co-accused Suresh as supplier of the contraband recovered from him. He submits that during the investigation, the petitioner disclosed



about one more accused Anil Sharma, from whom 1920 capsules have been recovered by the Police. On instructions from ASI Balinder Singh, he has submitted that the petitioner is not involved in any other case. He has further apprised the Court that the investigation is complete and charges are also framed and out of total 24 prosecution witnesses, none has been examined as on date.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the name of the petitioner was surfaced on the present case on the basis of the disclosure statement of co-accused Suresh from whom recovery of contraband weighing 27 grams of Tramadol Hydrochloride was effected. The contraband recovered falls under the non-commercial quantity. As submitted before this Court, co-accused Suresh has already been enlarged on bail. Custody certificate produced by learned State counsel would show that the petitioner is not involved in any other case except the present case.

7. This Court would refrain itself from commenting anything on the merits of the case. However, considering the prayer for grant of bail to the petitioner, this Court is of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner.

8. Considering that the trial would take sufficient long time in its conclusion, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty

Magistrate.

9. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

23.07.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No