



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

218

CRM-M-25252-2024

Date of decision: 24.05.2024

Sunil Kumar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vibhor Bansal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.168 dated 05.03.2023 under Sections 21(c),29-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), Sections 18 (c) 27(b)(ii), 18(a)(i) 27(c) read with Sections 17, 17A, 17B & 18A/28 of the Drugs and Cosmetics Act, 1940 and Sections 467, 468, 471, 420, 201 of the IPC (challan presented under Section 29 of the NDPS Act and Sections 467, 468, 471, 420, 201 of the IPC) registered at Police Station Camp Palwal, District Palwal.

2. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR in question nor any recovery of contraband effected from him; he came to be nominated as an accused on the basis of disclosure statements allegedly suffered by co-accused Pankaj Singla and Rajesh Kumar, who had allegedly been



manufacturing cough syrups without any valid licence. Learned counsel submits that the evidentiary value of the disclosure statements is of a weak nature and it needs to be appreciated from the fact that the petitioner is not involved in any other criminal case. It has been further submitted that the investigation in the case at hand is complete as challan stands presented though charges are yet to be framed. It has also been submitted that as many as 26 witnesses have been cited by the prosecution and hence, the possibility of the trial concluding in the near future seems remote.

3. Learned State counsel has filed the custody certificate of the petitioner in the Court today, which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

4. A perusal of the custody certificate indeed reveals that the petitioner is not involved in any other criminal case.

5. Learned State counsel on instructions has, however, submitted that though no recovery of any contraband/cough syrups was effected from the petitioner and he was arraigned as an accused in the disclosure statements of co-accused Pankaj Singla and Rajesh Kumar, however, the petitioner had been manufacturing the labels of the cough syrups which were being illegally manufactured by the co-accused.

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

7. The investigation in the case in hand is complete as challan stands presented. Charges are likely to be framed only on 19.07.2024.

The petitioner is not involved in any other criminal case much less of identical nature. Since the trial would take considerable time to conclude, this Court deems it fit to extend the concession of bail to the petitioner.

8. 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. 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.

9. 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.

24.05.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No