



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-28013-2024 (O&M)
Date of decision: 07.08.2024

RAM BABU GUPTA

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit Kumar Narang, Advocate, for the petitioner.

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.0319 dated 12.04.2023 for offence punishable under Section 21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Sector 58, District Faridabad.
2. Learned counsel for the petitioner submits that the petitioner's name in the crime in question surfaced in the disclosure statement allegedly suffered by co-accused Kuldeep, qua whom secret information has been received by the police and from whom recovery of 606 grams of heroin was allegedly affected. Learned counsel submits that the disclosure statement on the basis of which the petitioner came to be nominated as an accused in the present case does not have very high evidentiary value; the investigation in the present case is complete as challan stands presented



and even charges had been framed. It has also been submitted by learned counsel for the petitioner that the petitioner's false implication in the present case finds further credence from the fact that even when the petitioner was arrested on 15.04.2023, following the alleged disclosure statement made by co-accused-Kuldeep, no recovery of any contra-band much less heroin was affected from him.

On a pointed query put to the learned counsel as to whether he has any criminal antecedents, it has been submitted that the petitioner was made an accused in one other case under the NDPS Act, however, in that case it was on the basis of the present FIR itself. Learned counsel, therefore, submits that since there is no likelihood of the trial concluding in the near future, the petitioner be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions has not disputed that no recovery of any contraband was affected from the petitioner following his name cropping up in the disclosure statement allegedly suffered by co-accused Kuldeep from whom recovery of 606 grams of heroin was allegedly affected. Learned State counsel has also not disputed that the petitioner was nominated as an accused in the other case registered against him under the NDPS Act on the basis of a disclosure statement allegedly suffered by him after he was arrested in the present case. Learned State counsel on further instructions has not disputed the



stage of trial and submitted that none of the 19 prosecution witnesses have been examined till date.

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

5. Concededly, no secret information was received qua the involvement of the petitioner in drug trafficking; no recovery of any contraband was affected from him after he was arrested on 15.04.2023. The trial would take time to conclude as the prosecution evidence has not yet commenced and is likely to commence on 13.08.2024.

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

August 07, 2024
poonam

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