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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37345-2023
Date of decision:- 08.02.2024

JASMER @ KUKU

....Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vikas Bishnoi, Advocate,
for the petitioner.
Mr. Dhruv Shiag, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
682	23.09.2021	20 of NDPS Act (27-A of NDPS Act added later on)	Hansi City, District Hansi

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that petitioner was not named in the FIR but was nominated on the basis of disclosure statement made by co-accused Naresh, from whom non-commercial quantity of Sulpha was recovered. He submits that petitioner is in custody since 06.03.2023 and no recovery had been effected from him,

challan has already been presented in court and prosecution has examined 5 witnesses out of 23 witnesses till date, as such he prays for grant of concession of bail to the petitioner.

3. Learned State counsel has filed the custody certificate dated 07.02.2024, the same is taken on record. Copy thereof has been supplied to the counsel opposite. He has not controverted the factual matrix of the case and contends that the co-accused Sanjay was apprehended with contraband and during investigation, he named one Naresh. The said Naresh was apprehended and recovery of 8 kg of Sulpha (non commercial quantity was effected from him) and during his interrogation present petitioner was named, however no recovery was effected from the petitioner.

4. After considering the rival contentions and perusing the record it transpires that petitioner was nominated on the disclosure statement of co-accused Naresh, the evidentiary value of the disclosure statement is debatable, no recovery has been effected from the petitioner. The petitioner is in custody since 06.03.2023, challan has been presented in Court and out of 23 witnesses cited by the prosecution only 5 witnesses have been examined so far. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner, and no useful purpose would be served by keeping petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not

required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.02.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No