

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37682-2024
Date of decision:-12.09.2024

SUSHIL KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Ishan Gupta, Advocate for the petitioner.
Ms. Gaganpreet Kaur, DAG, Haryana

SANJIV BERRY, J.(ORAL)

Learned counsel for the State has filed custody certificate dated 10.09.2024 the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
254	25.04.2024	21 (c), 22(c), 29 of NDPS Act	Krishna Gate, District Kurukshetra



4. 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 contends that the petitioner was not named in the FIR but was nominated on the alleged disclosure by co-accused Satish Kumar @ Bittu. He submits that the petitioner is not having any criminal antecedents and is also not having any concern with the alleged recovery nor he is indulging in narcotics as alleged. He submits that the petitioner is in custody since 27.04.2024, as such he prays for grant of regular bail to the petitioner.

5. Per contra, learned State counsel, on instructions from SI Gurnam Singh and also referring to the reply submitted by the State has opposed the bail application, and contended that the petitioner was nominated on the basis of disclosure statement made by co-accused Satish Kumar @ Bittu and arrested on 27.04.2024. However, she admitted that no recovery has been effected from the petitioner nor any other case under NDPS is registered against the petitioner. SI Gurnam Singh, Investigating Officer of the case present in Court has submitted that the challan is ready and will be presented in the learned Trial Court.

6. After considering the rival contentions and perusing the record, it transpires that one Satish Kumar @ Bittu was apprehended by the police on 25.04.2024 on the basis of secret information and from his possession commercial quantity of narcotic and psychotropic medicines were recovered. During course of his investigation, he suffered disclosure statement (Annexure R-1) allegedly nominating the present petitioner, who accordingly, was arrested on 27.04.2024. Admittedly, no recovery was effected from the petitioner after his arrest, nor is there any previous criminal



case registered against him. Apart from this disclosure statement, of which the evidentiary value thereof, is debatable, there is no other evidence to substantiate the alleged role of the petitioner. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner.

7. In these circumstances, no purpose would be served by detaining the petitioner any longer in custody, as a result, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

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

(SANJIV BERRY)
JUDGE

12.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |