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

CRM-M-38200-2024**Date of Decision: 14.08.2024**

Rishabh Tiwari @ Arjun

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Arnav Ghai, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.92 dated 22.02.2024 registered under Sections 22(C), 29 NDPS, Act, at Police Station Kherki Daula, District Gurugram.

2. Learned counsel for the petitioner contends that in the present case, the co-accused Parveen was apprehended at the spot by the police while he was carrying 80 packets of Dicyclomine Hydrochloride, Tramadol Hydrochloride and Acetaminophen Capsules, which was found to be 11520 capsules. The petitioner was neither named in the secret information nor he was apprehended at the spot. He further contends that even it is not a case of the prosecution that the petitioner was present at the spot or had fled away from the spot. Learned counsel further contends that the petitioner has been nominated as an accused on the basis of the statement made by his co-accused in police custody and was wrongly arrested by the police on 24.02.2024. Learned counsel further



contends that except the statement made by his co-accused, there is no other evidence against him. He further contends that charge has been framed against the petitioner and no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was arrested on 24.02.2024 and is in custody for the last more than 06 months. There is no other criminal case against the petitioner and he is the first offender. Even no recovery of contraband was effected from the petitioner and his co-accused, Parveen is already in custody in the present case. Thus, the case of the petitioner is clearly distinguishable from the case of Parveen, principal accused.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

14.08.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No