



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

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CRM-M-38248-2024

Date of decision: 14.08.2024

SANDEEP CHUGH ALIAS ASHU

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

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.99 dated 14.04.2022 under Sections 22-C, 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner was nominated as an accused in pursuance of a disclosure statement allegedly suffered by co-accused Jagsir Singh qua whom a secret information was received by the police that he was involved in drug trafficking. Learned counsel submits that the recovery allegedly affected from co-accused Jagsir Singh was 540 tablets of Alprazolam weighing about 107 gms. and another 50 tablets of Tramadol; learned counsel submits that the recovered tablets of Alprazolam is just marginally higher than the minimum classified as commercial quantity under the Narcotic



Drugs and Psychotropic Substances Act, 1985. It has been further submitted that not only is the evidentiary value of the disclosure statement of weak nature but it is also a matter of fact that no recovery of any contraband was affected from the petitioner after he was arrested on 26.04.2022 which further lends credence to his false implication in the present case. It has also been submitted by the learned counsel that after the charges were framed on 16.05.2023, only one prosecution witness out of the 15 cited had been examined. Hence, there was no possibility of the trial concluding in the near future. It has still further been submitted that one other false case had been planted upon the petitioner which was registered on 13.04.2024 and in the said case too the petitioner was shown to have supplied the contraband to the same co-accused Jagsir Singh.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the stage of trial; it has also not been disputed that when the petitioner was arrested pursuant to a disclosure statement suffered by co-accused Jagsir Singh, no recovery of any contraband was affected from him. Learned State counsel has however submitted that the petitioner is facing trial in a couple of other cases under the NDPS Act which also includes a case wherein also the petitioner had allegedly supplied contraband to the co-accused in the present case i.e. Jagsir Singh.

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

5. The trial has not proceeded beyond the framing of charges. As many as 15 prosecution witnesses have been cited and only one stands examined. Concededly, no recovery of any contraband was affected from the petitioner.

 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 is extended the concession of 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 14, 2024
poonam

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