



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-40297-2024

Date of decision: 23.08.2024

Pavitar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. 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.52 dated 31.01.2024 under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City Kaithal, District Kaithal.

2. Learned counsel for the petitioner submits that he has been in custody since 02.02.2024 in a case of false implication; the petitioner has neither any criminal antecedents nor any recovery of contraband was effected from him pursuant to a disclosure statement allegedly made by the co-accused who stated that the recovered contraband (800 ml of liquid containing Tramadol, 60 tablets of Buprenorphine/Naloxone, 60 tablets of Tramadol and 130 tablets of Alprazolam) had been supplied to him by the petitioner. Learned counsel has argued that the disclosure statement on the basis of which



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he has been arraigned as an accused in the present case has very weak evidentiary value. Learned counsel has also submitted that since investigation in the present case is complete as challan stands presented, his further incarceration would serve no useful purpose as charges are yet to be framed coupled with the fact that as many as 15 prosecution witnesses have been cited.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner was not apprehended along with the co-accused from whom the aforementioned recovery of narcotic substances was seized. It has also not been disputed that the petitioner has no criminal antecedents and he came to be nominated as an accused only pursuant to a disclosure statement suffered by the co-accused from whom narcotic substances were recovered. However, it has been submitted by the learned State counsel that Rs.500 (drug money) was recovered from the petitioner on his arrest on 02.02.2024.

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

5. As not disputed by the learned State counsel, no recovery of any contraband or narcotic substances were effected from the petitioner when he was arrested pursuant to the disclosure statement allegedly suffered by co-accused Rishipal @ Ajay. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. The trial would take considerable time to conclude as charges are likely to be framed only on the next date of hearing. In the

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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. 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.

23.08.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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