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

CRM-M-42807-2024**Date of Decision: 09.09.2024**

Shamsher Singh alias Shyama

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Praveen Bhadu, Assistant Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.108 dated 11.02.2024 registered under Sections 18, 21, 25 of NDPS Act, 1985 (subsequently, Section 29 of NDPS Act has been added) at Police Station Assandh, District Karnal.

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. He further contends that 26 kg 175 grams Gattu i.e. illicit drugs was recovered from Puran Singh, co-accused. During the course of investigation, Puran Singh allegedly made a statement in a police custody and named the petitioner as the supplier of the drugs. He further contends that except the disclosure statement suffered by the co-accused, there is no other legally admissible evidence against the



petitioner. The petitioner was arrested in the present case on 26.02.2024 and is in custody for the last more than 06 months. He further submits that challan has already been presented before the competent Court of law and the trial is not likely to conclude in near future.

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. In the present case, admittedly the recovery of commercial quantity of drugs was effected from Puran Singh, co-accused and no recovery was effected from the petitioner. Thus, the case of the petitioner is clearly different from the case of Puran Singh, co-accused. Moreover, the petitioner is in custody for the last more than 06 months and the investigation has already been completed. Thus, further custody of the petitioner will not serve any meaningful purpose.

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.

09.09.2024.
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(N.S.SHEKHAWAT)
JUDGE

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