



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-44806-2024
Date of decision: 24.10.2024

Shamsher SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bishan Dass Rana, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, 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.0185 dated 10.04.2024 under Sections 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29-A, 61, 85 of the NDPS Act added lateron) registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the instant case is evident from the fact that though a secret information was received qua co-accused Naveen and Manoj, however, no such secret information was received with respect to the petitioner's involvement in drug trafficking; the petitioner came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused Naveen and Manoj. It has been asserted by the learned counsel that the disclosure statement, on the



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basis of which he has been arraigned as an accused in the present case, has very poor evidentiary value and it needs to be appreciated in the light of no recovery of any contraband being made from him when he was arrested on 11.04.2024. Learned counsel has submitted that as per disclosure statement suffered by co-accused Naveen and Manoj the petitioner had paid Rs.10,000/- to them for purchase of charas. Learned counsel, thus, prays that in the aforementioned facts and circumstances since the challan already stands presented, his further incarceration would serve no useful purpose moreso when none of the 13 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner as well as the stage of trial. It has also not been disputed on instructions that the petitioner came to be nominated as an accused on the basis of a disclosure statement suffered by the co-accused from whom the recovery of 1 kg 100 grams of charas was effected. However, it has been asserted by learned State counsel that the petitioner had made a payment of Rs.10,000/- to the co-accused for the purchase of charas. It has also been submitted by the learned state counsel that the petitioner has previous criminal antecedents as he is involved in one other case under the NDPS Act.

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

5. As per instructions received by the learned State counsel, challan was presented as recently as on 08.08.2024 and charges are

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likely to be framed only on the next date. Since 13 witnesses have been cited by the prosecution, the trial would take considerable time to conclude. 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. 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.

24.10.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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