



CRM-M-46993-2024 (O&M) 1

In The High Court for the States of Punjab and Haryana At Chandigarh

CRM-M-46993-2024 (O&M)
Date of Decision:- 25.11.2024

Sudesh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Davneet Sangwan, Advocate for the petitioner.
Mr. Neeraj Sheoran, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

FIR No.	Date	Police Station	Offences
259	27.06.2024	Sector17, HUDA, Jagadhari, District Yamuna Nagar.	Section 22 (c), 29 of NDPS Act, 1985

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution that on 27.06.2024 one Dinesh Kumar @ Poni was apprehended by the Police who was found in possession of 648 capsules containing Tramadol Hydrochloride, Paracetamol and Discylomine



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Hydrochloride Spaso Nof-Nf weighing 370.98 grams. It is the case of the prosecution that during the course of interrogation, said Dinesh Kumar @ Poni disclosed that the said contraband had been procured from Wasim Ahmad. Upon arrest of Wasim Ahmad he disclosed that the said contraband had been supplied by Sudesh Kumar (petitioner).

3. Learned counsel for the petitioner submits that he has been falsely been implicated in the present case on the basis of a disclosure statement the evidentiary value of which would be debatable particularly in the absence of any other connecting evidence. He submits that the petitioner is not involved in any other case and has a clean record. It has been submitted that till date, charges have not been framed. It has further been submitted that as on date the petitioner has been behind bars for the last about 4 months 26 days and the trial has not commenced till date and as such he deserves the concession of bail.

4. Opposing the petition, learned State counsel has submitted that since name of the petitioner has surfaced during the course of interrogation of co-accused his complicity cannot be doubted. It has however, been informed that the petitioner has been behind bars since the last about 4 months and 26 days and otherwise has a clean record. It has also been informed that till date charges have not been framed.

5. This Court has considered rival submissions addressed before this Court.

6. Admittedly it is a case where the petitioner has been nominated on the basis of disclosure statement, the veracity of which would be debatable. The petitioner otherwise has a clean record. The petitioner has been behind bars for the last about 4 months and 26 days. The trial has virtually not even commenced inasmuch, no PW has been examined till date. Under these circumstances further



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detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.11.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No