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

CRM-M-50599-2024

Date of Decision: 03.12.2024

Rahul

...Petitioner

VS.

State of Haryana

...Respondent

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

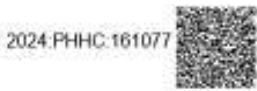
Present : Mr. Sandeep Kumar, Advocate for
Mr. Sanpreet Sandhu, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

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 in case FIR No.345 dated 11.08.2024 registered under Sections 22-C, 29 of NDPS Act, at Police Station Gandhi Nagar, District Yamuna Nagar.

2. The FIR in the present case was registered on the basis of the statement made by SI Raj Kumar. As per the complainant, co-accused, namely, Vijay Kumar was apprehended alongwith 480 capsules i.e. 261.06 grams of Dicylomine Hydrochloride, Tramadol Hydrochloride and Acetaminophen make Spasmaxx-B capsules on the basis of the secret information.

3. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor had any concern with alleged recovery made from Vijay Kumar, co-accused. He further contends that the petitioner was nominated as an accused on the basis of the disclosure statement of the co-accused. In fact, Vijay Kumar was known to him and he has made calls to Vijay Kumar, being an acquaintance of the main accused. The petitioner was



arrested in the present case on 17.08.2024 and is in custody since then. He further contends that the case of the petitioner is on different footing from Vijay Kumar as no recovery was effected from the petitioner and the contraband was recovered only from Vijay Kumar.

4. On the other hand, reply by way of an affidavit of Deputy Superintendent of Police-II, Yamuna Nagar has been filed on behalf of the respondent-State in Court today and the same is taken on record. 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.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, it is apparent from the FIR that the entire recovery was effected from co-accused, Vijay Kumar only. The petitioner was not even present at the place of alleged recovery. Moreover, the challan against the petitioner has already been presented before the Court of law and the conclusion of the trial may take quite a long time.

7. 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.

03.12.2024.
hemlata

Whether speaking/reasoned :
Whether reportable :

(N.S.SHEKHAWAT)
JUDGE
Yes/No
Yes/No