

S. No.218

2024:PHHC:009389

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55340 of 2023

Date of Decision:24.01.2024

Dharmendra

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Saurav Bhatia, Advocate and Mr. H.P.S. Bungar,
Advocate for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.248 dated 06.05.2023 registered under Section 22-C of Narcotic Drugs and Psychotropic Substances Act, 1985(for short, 'the NDPS Act') (Section 29 of the NDPS Act added later on) at Police Station Hodal, District Palwal (Haryana).

Status report has already been filed.

As per prosecution allegations, 115 bottles of *Chloropheniramine Maleate Codeine Phosphate Syrup Welcyrex Cough Syrup 100 ml Welcyrix each containing 100 ml* and *115 of bottles of Codeine Phosphate Chloropheniramine Maleate Syrup Onerex Cough Syrup 100 ml Wings Biotech LLP 100 ml each containing 100 ml* were recovered from the possession of Hamid, who disclosed the name of his co-accused Pawan Kumar Khandelwal. Said Hamid in his disclosure statement, initially stated to have purchased the contraband syrup from *Chhotu Medical Store* but later on, retracting from the earlier statement, he made fresh disclosure statement to have purchased the contraband from *Madhav Medical Store, Pahadi*.

Co-accused Pawan Kumar Khandelwal was arrested on 07.05.2023. In his disclosure statement, he nominated the petitioner – Dharmendra to be the supplier.

It is contended by learned counsel that petitioner has been falsely implicated; that he has no connection with the co-accused Pawan, on whose disclosure statement, petitioner has been nominated and, who has already been allowed

bail by this Court vide order dated 31.08.2023 passed in CRM-M-27509 of 2023, copy of which is Annexure P.2.

Learned counsel also contends that petitioner has no criminal antecedents and he is in custody for the last more than 03 months.

Learned State Counsel does not dispute the fact that case against the petitioner is based upon the disclosure statement of co-accused Pawan Kumar Khandelwal, who has already been allowed by this Court vide order dated 31.08.2023 in CRM-M-27509 of 2023.

As per the custody certificate placed on record today, the petitioner is in custody for the last 03 months and 22 days with no criminal antecedents.

Having regard to all the afore-said facts and circumstances and particularly the role attributed to the petitioner, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 24, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No