



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

CRM-M-51858-2024 (O&M)
Date of Decision:-28.10.2024

Parveen ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Dhiman, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
99	7.5.2024	Kalka, District Panchkula	22(c), 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged pursuant to receipt of secret information to the effect that one Sanjeev, who was running a chemist shop, was going to supply huge quantity of intoxicant pills to some person and was present near Animal Hospital, Tagra Kali Ram. Pursuant to receipt of said information, the police was able to nab aforesaid Sanjeev, who was found to be carrying 24 strips of Lomotil containing Diphenoxylate Hydrochloride i.e. a total of 1140 tablets apart from another 26 strips containing 1950 Alprazolam tablets. The gross weight of Lomotil tablets worked out to 95.04 grams, whereas the gross

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(2)

weight of Alprazolam tablets came to be 358.8 grams both of which would be categorized as 'commercial' quantity. It is further the case of prosecution that during the course of interrogation, the aforesaid Sanjeev disclosed that the aforesaid contraband was sold to him by Parveen for an amount of Rs.56,000/-. It is further the case of prosecution that upon arrest of Sanjeev Kumar, he had suffered a disclosure statement nominating Sachin Shekhar as an accused and when the aforesaid Sachin Shekhar came to be arrested, he is alleged to have further made a disclosure statement nominating the present petitioner as an accused.

3. Learned counsel for the petitioner submitted that pursuant to the aforesaid disclosure statement made by Sachin Shekhar, production warrants were got issued against the petitioner, who was already in custody since the month of February, 2024 in connection with another case i.e. in FIR No.92 dated 22.2.2024 registered at Police Station Kherki Daula, Gurugram, under Sections 22(c) and 29 of NDPS Act. It has been submitted that it will highly unlikely that the petitioner, who had been in custody since the last more than three months prior to the lodging of the present FIR, would have supplied the alleged contraband, which the co-accused was found carrying after three months. Learned counsel submitted that the veracity and admissibility of such like disclosure statement would be debatable.
4. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named by co-accused, his complicity is clearly evident. Learned State counsel, however, informed that the petitioner as on date has been behind bars since the last about 2 months and 20 days. It has



also been informed that no PW has been examined and that charges are yet to be framed in the present case.

- 5. This Court has considered rival submissions addressed before this Court.
- 6. Admittedly, neither any recovery was effected from the petitioner nor he was found at the spot. The veracity of disclosure statement made by co-accused against the petitioner would be tested during the course of trial. The petitioner has been behind bars for a substantial of about 2 months and 20 days. Conclusion of trial is likely to consume time inasmuch the trial has not even commenced till date. Under these circumstances, further detention of the petitioner will not be justified.
- 7. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.10.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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