



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

CRM-M-55972-2023 (O&M)
Date of Decision:- 30.07.2024

Aas Mohd @ Ashu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mazlish Khan, Advocate, for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
388	18.7.2023	Industrial Sector 29, Panipat	22-C and 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
- As per the case of prosecution one Shankar was apprehended by the police who was found in possession of 49 vials of Buprenorphine (2 ML each) and 60 vials of Avil (10 ML each). It is further the case of prosecution that during the course of interrogation he disclosed that he had purchased the contraband from the petitioner.



3. Learned counsel for the petitioner submitted that he has falsely been involved in the present case and in fact is nowhere named in the FIR and came to be nominated subsequently on the basis of a disclosure statement made by co-accused Shankar. It has been submitted that the admissibility and veracity of such like statement would be debatable. It has further been submitted that the petitioner has been behind bars since the last about one year and that as on date no PW has been examined.
4. Opposing the petition, learned State counsel submitted that having regard to the fact that the petitioner is named by the co-accused who was found in possession of 'commercial quantity' of contraband, his complicity is clearly evidence. Learned State counsel informed that the petitioner happens to be involved in one more case under NDPS Act. Learned State counsel has informed that the petitioner as on date has been behind bars for the last one year and the trial is yet to commence.
5. Learned counsel for the petitioner however, clarified that even in the said case i.e. FIR No. 390 of 2023, Police Station Sector 29, Panipat, under Sections 22-C and 29 of NDPS Act he was nominated on the basis of disclosure statement and was not actually found in possession of contraband.
6. This Court has considered the rival submissions addressed before this Court.



7. Having regard to the fact that it is a case where the petitioner is nominated on the basis of disclosure statement and has been behind bars since the last more than one year and the trial has not even commenced till date, further 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.

30.07.2024
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(GURVINDER SINGH GILL)
JUDGE

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