

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

CRM-M-56937 of 2023(O&M)

Date of Decision: 20.02.2024

Sujan Singh @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Vikas Bishnoi, Advocate
For the petitioner.**

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 452 dated 23.12.2015, registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act (for short the NDPS Act) at Police Station Sadar Jind.

2. The allegations in nutshell are that on 23.12.2015 police arrested co-accused Suresh @ Bhola and recovered 45 kg of poppy husk from the truck driven by said Suresh. The petitioner was nominated as accused on the basis of disclosure statement made by co-accused Suresh and was arrested by the police but lateron the petitioner escaped from police custody and was re-arrested on 16.09.2023 and is presently lodged in judicial custody. Co-accused Suresh who faced trial was convicted in the present case.

3. The counsel for the petitioner submits that petitioner was falsely implicated in the present case and that no recovery of contraband was effected from the petitioner and now the petitioner is in custody for the last

05 months and the trial is not proceeding ahead as till date charges are not framed. The counsel for the petitioner further submits that the admissibility and relevance of the disclosure statement, if any made by co-accused against the petitioner will be tested during trial and that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. The present petition is resisted by the State counsel, who on instructions from SI Vinod submits that no doubt the present case is relating to recovery of non-commercial quantity of poppy husk and that too from co-accused Suresh, who has been convicted by the trial Court in this very case. The State counsel further submits that after the arrest of Suresh, the petitioner was also arrested by the police but he escaped from the police custody and was re-arrested on 16.09.2023 and thus, there is apprehension that if released on bail the petitioner will again abscond.

5. I have considered the submissions made by learned counsel for the parties.

6. The case is relating to recovery of non-commercial quantity of contraband from possession of co-accused Suresh and lateron petitioner was nominated as accused on the basis of disclosure statement of co-accused Suresh and the admissibility and veracity of said disclosure statement is subject matter of trial and further the rigors of Section 37 of NDPS Act are not applicable to the instant case. The petitioner is incarcerated for the last 05 months and it will take time for the trial to terminate as till date charges are not framed against the petitioner. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period

7. In light of the above, 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 of bail bonds and heavy surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.02.2024
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No