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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 56819-2024
Date of decision:-18.12.2024

SHIVA ALIAS ASHU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rajiv Advocate, for
Mr. R.K. Lathwal, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of affidavit dated 16.12.2024 of Deputy Superintendent of Police, Rohtak, alongwith custody certificate dated 17.12.2024, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Surakasha Sanhita (BNSS),2023 for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
284	08.07.2023	22, 29 NDPS Act (added later on)	Purani Sabzi Mandi, District Rohtak

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not nominated in the FIR but his name surfaced in the disclosure statement of co-accused Vijender @ Chautala from whom recovery of 22 vials of 100 ml Wincerex-T were effected and alleging petitioner to be the supplier of the narcotic substance. He contends that consequently petitioner was arrested on 14.03.2024 and no recovery has been effected from him. He contends that challan has already been presented in Court and conclusion thereof, will take long time. Hence, prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that considering the nature and gravity of offence, petitioner is not entitled for concession of bail. However he has admitted the factum of presentation of challan in Court, wherein prosecution has cited 21 witnesses and till date none examined.

6. After considering the rival contentions and perusing the record, it transpires that petitioner was not named in the FIR and was nominated on the disclosure statement of co-accused Vijender @ Chautala from whom recovery of 22 vials of 100 ml Wincerex-T were effected and he alleges the petitioner to be the supplier of the narcotic substance. Consequently, the petitioner was arrested on 14.03.2024 and no recovery of contraband has been effected from him. After completion of investigation, challan has already been presented in Court, wherein, prosecution has cited 21 witnesses and till date none of them have been examined. The conclusion of trial will



take sufficient time to ascertain criminal liability, if any, of the petitioner.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any, also stands disposed of.

(SANJIV BERRY)
JUDGE

18.12.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No