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

CRM-M-61546-2024 (O&M)

Date of Decision:- 29.08.2024

Pawan Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rajat Verma, Advocate for
Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. The petitioner – Pawan Kumar has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 403 dated 28.07.2023 under Section 22-C/27-A of Narcotics Drugs & Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police City Fatehabad, District Fatehabad.

2. As per the facts of case on 28.07.2023, ASI Ram Avtar along with police party was on routine patrolling and investigation of crime and they were going towards Jawahar Chowk, Fatehabad from Bighad Chowk, Fatehabad. When they reached near Shiv Chowk, one young boy was spotted coming on a scooter. On seeing the police party, he tried to turn back in panic. On the basis of suspicion, he was apprehended who disclosed his name as Johnny son of Vijay Kumar. He was carrying a black

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coloured polythene bag kept on the footrest of scooty. Search was conducted as provided under NDPS Act in the presence of Mr. Praveen Malhotra, Deputy D.E.O. Fatehabad and from the said polythene bag kept on footrest of Scooty No. DL-6S-AS-4735 Honda Activa, 173 strips of pills, each containing 10 tablets of Alprazolam Tablets IP 0.5 mg ALPRASAFE – 0.5 were recovered, thus there was total recovery of 1730 intoxicant pills. On the basis of this recovery, present FIR has been registered. During the course of investigation, disclosure statement was recorded who claimed that intoxicant tablets were supplied by present petitioner Pawan Kumar.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. No recovery was effected from him. Statement of co-accused naming present petitioner is not admissible in the eyes of law. He was arrested on 29.09.2023 and since then he is in judicial custody. He is ready to abide by terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. It is confirmed that present petitioner was named by co-accused Johnny and then he was apprehended in this case. During investigation, call detail record of Johnny and present petitioner was also collected. He is also involved in two other criminal cases, out of which one is under NDPS Act. It is a case of recovery of commercial quantity of contraband. Therefore, petitioner is not entitled to be released on regular bail.

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5. I have considered the arguments and have gone through the record. Admittedly, 1730 pills of Alprazolam were allegedly recovered from the possession of co-accused Johnny. As per disclosure statement Annexure R-1, present petitioner was named as supplier of said contraband. Petitioner was arrested on 29.09.2023. No recovery was effected from him. Challan in this case is presented on 23.12.2023 and it is pending for consideration on charge. Role of present petitioner and his connection with co-accused Johnny is matter of trial.

Considering the aforesaid factual position, regular bail petition filed by petitioner – Pawan Kumar is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. The petition is accordingly, accepted.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

29.08.2024

*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No