

S. No.225

2024:PHHC:034189

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

CRM-M-61537 of 2023

Date of Decision:11.03.2024

Pawan Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. V.B. Godara, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.401 dated 27.07.2023 registered under Sections 22-C/27-A/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.

2. Despite granting opportunity to the State, status report has not been filed, though custody certificate has been placed on record.

3. As per allegations, 3000 intoxicating tablets containing the salt of Alprazolam weighing 529 grams were recovered from the gear box of a car which was being driven by co-accused Chander Pal. It is alleged that the said co-accused – Chander Pal had nominated the petitioner to be one of the supplier. Petitioner was arrested and in his disclosure statement, he stated that he had purchased 15 boxes of Alprazolam from Jaipur and then had sold 6 boxes of Alprazolam to one Jony Kumar.

4. Learned counsel contends that the petitioner has been falsely implicated, based on the disclosure statement of the co-accused; that no recovery

was effected from the petitioner and that co-accused Aditya, who was also alleged by co-accused – Chander Pal, to be the supplier, has already been allowed bail by this Court vide order dated 20.12.2023 passed in CRM-M-47768 of 2023.

5. Learned State Counsel could not refute the afore-said contentions to the effect that name of the petitioner has surfaced in the disclosure statement of the co-accused and that no recovery has been effected from the petitioner in the present case.

6. As per the custody certificate, petitioner is in custody for the last 04 months and 24 days.

7. Learned State Counsel also informs that though the challan has since been filed in the trial Court but not even the charges have been framed so far and thus, trial is likely to take long time to conclude.

8. Having regard to all the afore-said facts and circumstances of the case, particularly on the basis of parity, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

March 11 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No