

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62103-2023
Date of decision: 20.02.2024

Sonu.....Petitioner.

Versus

State of Haryana....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ravinder Hooda, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

1. Reply dated 23.01.2024 filed in the form of affidavit of Deputy Superintendent of Police, Meham, Distrit Rohtak, on behalf of respondent-State is taken on record. Copy thereof has been supplied to learned counsel for the petitioner
2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
14	09.01.2023	22 and 29 of the NDPS Act	Meham, District Rohtak

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated

in this case on the basis of alleged disclosure statement made by the co-accused, namely Surender @ Samunder, which has no evidentiary value. He contends that the petitioner is in custody since 20.01.2023 and no recovery has been effected from him nor he has any role in the alleged transaction. He further contends that the petitioner is not having any criminal antecedents and is languishing in jail. Hence, he prays for grant of regular bail.

4. *Per contra*, learned State counsel, has opposed the bail petition by arguing that from the co-accused commercial quantity of contraband had been effected. However, he admitted that no recovery has been effected from the petitioner who was nominated in this case on the basis of disclosure statement made by the co-accused, namely Surender Singh @ Samunder. He further contends that challan has already been presented in the Court and only allegation against the petitioner is that his car was being used by the co-accused.

5. After considering the respective submissions and perusing the record, it transpires that in the instant FIR one Surender son of Hawa Singh was arrested by the police on 09.01.2023 and from the car driven by him narcotics was recovered. During the course of his disclosure statement, he named one Surender @ Samunder, who was also apprehended and from him also the contraband was recovered. During the interrogation of aforesaid Surender @ Samunder, he named the present petitioner and accordingly, the petitioner was arrested on

20.01.2023. However, admittedly, no recovery was effected from the petitioner; challan in the case has been presented in the Court after completion of investigation; conclusion of trial will take sufficient time, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

20.02.2024
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(SANJIV BERRY)
JUDGE

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