

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

CRM-M-64731-2023

Decided on : 09.01.2024

Ankur

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhishek Sharma, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.136 dated 04.07.2023 under Sections 22(c), 29, 61 and 85 of NDPS Act, 1985 registered at Police Station Jhansa District Kurukshetra.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been arrayed as an accused on the basis of second disclosure statement made by co-accused Parveen and Sanju, who too were nominated as an accused in the disclosure statement allegedly suffered by accused Ravi, who was apprehended with 850 tablets of ALPRADE. Learned counsel submits that the petitioner's false implication in the case in hand is evident from the fact that he has clean antecedents as he is not involved in any other criminal case much less in

a case under the NDPS Act. It has also been submitted that challan stands presented and as many as 28 prosecution witnesses have been cited by the prosecution, however, ever since then charges have not been framed, hence, there is no likelihood of the trial concluding in the near future. A prayer, therefore, has been made to extend the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Surrender, has not been able to dispute that the petitioner was nominated as an accused on the basis of second disclosure statement made by co-accused Parveen and Sanju; it has also not been disputed that the petitioner has clean antecedents and is not involved in any other criminal case.

4. On a pointed query put to the learned State counsel as to whether any recovery of contraband was effected after the petitioner was arrested on 18.07.2023, he on instructions has replied in the negative.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 18.07.2023. The investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are yet to be framed.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

09.01.2024
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(MANJARI NEHRU KAUL)
JUDGE

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