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

**CRM-M No.1309 of 2025 (O&M)
Date of Decision:17.01.2025**

Sharafat

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of bail pending trial to the petitioner
in FIR No.358 dated 15.10.2024, under Sections 21(B) & 29 of the Narcotic
Drugs and Psychotropic Substances Act, 1985, registered at Police Station
Sarai Khawaja, District Faridabad.

(2) Above FIR was registered on the basis of secret information with
the allegations that 10.25 grams of *Heroin/Smack* (non-commercial) was

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recovered from co-accused Jitender @ Jeetu & Vikas and the said contraband is alleged to have been supplied by the petitioner.

(3) Contends that petitioner is in custody since 24.10.2024. Also contends that there is no recovery alleged from the petitioner; nor he was named in the FIR; rather nominated on the basis of disclosure made by co-accused Imran, who in turn had been nominated by another co-accused Jitender @ Jitu and Vikas. Further contends that there is no other criminal case pending against the petitioner. Also contends that report under Section 173 Cr.P.C. was presented on 05.12.2024, but charges are yet to be considered; thus, trial is likely to take sufficient long time.

(4) Learned State Counsel after obtaining instructions is not able to dispute that no recovery was effected from the petitioner, rather alleged contraband i.e. 10.25 gram *heroin/smack* had been recovered from co-accused Imran. Also acknowledged by learned State counsel that no other criminal case is pending against the petitioner.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) Since no other criminal case is pending against the petitioner; alleged recovery of contraband was effected from co-accused and moreover, that is non-commercial in nature. Report under Section 173 Cr.P.C. was presented on 05.12.2024, but charges are yet to be considered; thus, further incarceration of the petitioner would not serve any purpose.

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(7) In view of the above, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(8) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(9) The above observations be not construed as an expression of opinion on merits of the case in any manner.

(10) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

17th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>