

CRM-M-3037-2025(O&M)

:1:

2025.PHHC.010623



**108+234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-3037-2025(O&M)
Date of Decision:24.01.2025**

KULDEEP

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Saurabh Arora, Advocate and
Mr. Pawan Kumar, Advocate for the petitioner.

KARAMJIT SINGH, J.

CRM-2783-2025

For the reasons given in the application, the same is allowed and document Annexure P-11 i.e. copy of the order dated 17.01.2025 passed by this Court is directed to be taken on record subject to all just exceptions.

CRM-M-3037-2025

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.344 dated 03.09.2019 under Sections 20 of NDPS Act, 1985 (Sections 25, 27 and 29 of NDPS Act added later on) registered at Police Station Rai, District Sonipat.



2. The allegations in nutshell are that the police recovered 230 kg of ganja from a car bearing vehicle No.UP-14DD-1594 driven by co-accused Mahender and another occupant namely Parvez @ Shahrugh Khan managed to escape at the time of said recovery. The present petitioner was nominated as an accused as a supplier of the said contraband on the basis of disclosure statement suffered by co-accused Mahender and thereafter, the present petitioner was arrested by the police on 31.03.2024.

3. Counsel for the petitioner inter alia submits that the present petitioner, who was not named in the FIR was later on nominated as an accused on the basis of disclosure statement made by co-accused Mahender and after his arrest the petitioner is presently lodged in judicial custody and no contraband has been recovered from the present petitioner during investigation of the case. Further, the alleged disclosure statement suffered by co-accused Mahender against the present petitioner is inadmissible in evidence. That the petitioner is incarcerated for the last more than 9 months and is having no criminal history and that it will take time for the trial to conclude and no gainful purpose is going to be served by keeping the petitioner in custody for any longer period as main accused Mahender and co-accused Parvez @ Shahrugh Khan and Gulshan are already given benefit of regular bail by the Court concerned.

4. Notice of motion.

5. Mr. Arjun Lakhanpal, Addl.A.G., Haryana accepts notice on



behalf of the State and while resisting the present petition, on instructions from SI Ajmer Singh, submits that the present case is relating to the recovery of commercial quantity of ganja from a car driven by co-accused Mahender and Parevez @ Shahrukh Khan was also travelling in the said car. That the stringent provisions of Section 37 of NDPS Act are applicable to the instant case. However, State counsel has not disputed the fact that the petitioner, who was not named in the FIR, was later on nominated as an accused on the basis of disclosure statement made by co-accused Mahender and that no contraband was recovered from the present petitioner. It is also not disputed that the petitioner is having no criminal antecedents and the trial is at its initial stage.

6. The disclosure statement suffered by co-accused Mahender on the basis of which the present petitioner was impleaded as an accused is subject matter of trial with regard to its veracity and relevance. The petitioner, who is not facing any other criminal case, is incarcerated for the last more than 9 months and it will take time for the trial to terminate as till date prosecution is able to examine only two witnesses out of total 22 witnesses. Further main accused Mahender, who was arrested at the spot and one Gulshan who is similarly situated to the present petitioner are already given concession of regular bail by this Court. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of

the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.01.2025

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No