



238

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

CRM-M-4057-2025**Date of Decision: 29.01.2025**

Shambhu Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kuldeep Khandelwal, Advocate for
Mr. Mohit Rathee, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.182 dated 11.07.2024 registered under Section 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), at Police Station PGIMS, District Rohtak.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on the basis of the secret information received by the police against Aryan and Mohit, co-accused. In pursuance of the secret information, both of them were arrested by the police and 11 bottles of ONEREX (100 ML each) were recovered from them and the case under Section 22 of NDPS Act was registered against them. Learned counsel further contends that the petitioner was neither named in the secret information nor he was arrested from the spot. During the course of investigation, Aryan and Mohit, co-accused allegedly suffered a disclosure statement in the police custody and named the petitioner as their accomplices. On the basis of the said statement,

the petitioner was wrongly arrested in the present case on 12.07.2024 and is in custody since then. Learned counsel further contends that no recovery was effected from the petitioner and challan has already been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. However, he admits that there is no other case against him.

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

5. It is an admitted fact that the petitioner was not named in the FIR and has been arrayed as an accused on the basis of the disclosure statement made by his co-accused in police custody and the evidentiary value of such statement is weak. The prosecution is yet to lead evidence against the petitioner to prove his involvement in the crime and the trial is not likely to conclude in near future. The petitioner is stated to be in custody for the last more than 6 months and no purpose will be served by keeping the petitioner behind bars. Moreover, the petitioner is not involved in any other criminal case.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

29.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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