



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

253

CRM-M-4268-2025

Date of decision: March 5th, 2025

Sunder Lal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.268 dated 07.09.2022 under Section 20C of the NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that although a specific secret information was received qua the involvement of co-accused Suraj Bhan, Suresh Kumar and Sachin @ Shishan with respect to their involvement in drug trafficking, no such information was received qua the petitioner. The petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Suresh Kumar and Sachin, who claimed that 210 kilograms of *ganja*, which was being offloaded from a truck was to be then transferred into an SUV, which was parked nearby and had been driven to the spot by the petitioner. Learned counsel has submitted that the petitioner has no previous criminal antecedents much less being

involved in a case under the NDPS Act; furthermore, the evidentiary value of the disclosure statement allegedly suffered by co-accused is of a weak nature and in the absence of any recovery made from the petitioner on his arrest on 27.10.2022, it clearly points to his false implication in the present case. Learned counsel has submitted that after the petitioner was arrested in the present case, challan was presented on 07.06.2023 and charges were framed on 22.03.2024, however, till date only four prosecution witnesses out of the 30 had been examined. Hence, there was no possibility of the trial concluding in the near future. A prayer has, therefore, been made for extending the concession of bail to the petitioner.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has neither disputed the custody period of the petitioner nor has it been disputed that the petitioner was not named in the secret information nor any recovery of any contraband made from him. However, learned State counsel, on instructions, has submitted that there was an SUV parked near the truck in which 210 kilograms of *ganja* had been loaded; the recovered contraband was in the process of being transferred into the SUV, however, on sighting the police party, the petitioner fled away on the SUV. Hence, an inference can be drawn that he was conscious that the co-accused were involved in drug trafficking. Learned State counsel, on instructions, has however, disputed that only four prosecution witnesses out of the 30 have been examined. It has been submitted that now only 24 witnesses remain to be examined as two out of the 30 have been given up.

4. On a pointed query, learned State counsel has not disputed that the petitioner has no previous criminal antecedents.
5. I have heard learned counsel for the parties and perused the material placed on record.
6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

March 5th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No