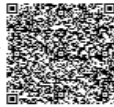


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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8283-2025

Date of Decision:02.04.2025

TEJVEER SINGH

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

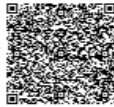
Present: Mr. Jaskirat Singh Dhaliwal, Advocate with
Mr. Manpreet Singh Rai, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J.

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.258 dated 04.10.2023 registered for the offences punishable under Sections 18(c), 29 of NDPS Act at Police Station Udyog Vihar, District Gurugram.

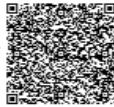
2. The allegations in nutshell are that police received information from the office of DHL Courier Company, that Hardeep Singh has booked one parcel containing some suspicious substance with the said courier company. On checking of the said parcel it was found to be containing 155 grams of opium. Thereafter Hardeep Singh was



arrested and during interrogation, he suffered disclosure statement to the effect that the said parcel was handed over to him by the petitioner. Thereafter the present petitioner was also arrested on 07.12.2024. However, during investigation, no contraband was recovered at the instance of the present petitioner.

3. Counsel appearing on behalf of petitioner *inter alia* submits that petitioner is falsely implicated in the present case on the basis of disclosure statement suffered by co-accused Hardeep Singh, who is stated to have booked one parcel containing 155 grams of opium with DHL Courier Company, Gurugram. Counsel for the petitioner further submits that the alleged disclosure statement, if any, suffered by co-accused against the present petitioner is inadmissible in evidence. It is further submitted that the petitioner is behind bars for the last more than 3 months and 19 days and during investigation, no incriminating article was recovered from possession of the present petitioner and that on completion of investigation, police has presented the final report but trial will commence only after the framing of charges. It is further submitted that the petitioner is having no criminal history under NDPS Act and in the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is contested by the State counsel, who on instruction from SI Anil Kumar submits that no doubt the petitioner was not named in the FIR but later on he was nominated as an accused on



the basis of disclosure statement suffered by co-accused Hardeep Singh and prior to that police effected recovery of 155 grams of opium from a parcel which was booked with DHL Courier Company by said Hardeep Singh. However, the State counsel has not disputed the fact that petitioner is incarcerated for the last more than 3 months and 19 days and is having no criminal antecedents under NDPS Act and on completion of investigation challan has been presented but till date charges are not framed. The State counsel has also not disputed the fact that during investigation of the case, no contraband was recovered at the instance of the present petitioner, who is presently lodged in judicial custody.

5. I have considered the submissions made by the counsel for the parties.

6. The veracity and admissibility of the disclosure statement, if any, suffered by co-accused against the present petitioner is subject matter of trial. Further the recovery of 155 grams of opium which was effected from a parcel booked by co-accused Hardeep Singh with DHL Courier Company comes under non-commercial quantity and is not covered under the stringent provisions of Section 37 of NDPS Act and furthermore Hardeep Singh is already given benefit of regular bail vide order dated 29.04.2024 (Annexure P-2) by the Court of Additional Sessions Judge, Gurugram. Further it is also apparent that it is going to take considerable time for the trial to conclude and the petitioner is behind bars for the last more than 3 months and 19 days and during

investigation, no contraband was recovered at the instance of the present petitioner. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light 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.

02.04.2025

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No