

232

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16977-2024(O&M)
Date of decision:-30.01.2025

VICKY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J.(ORAL)

Mr. Sandeep Kotla, Advocate has put in appearance on behalf of petitioner and filed Power of Attorney with no objection from the previous counsel, the same is taken on record.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
456	18.08.2023	20 of NDPS Act (Section 29 added later on)	Industrial Sector 29, Distt. Panipat

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and has non concern with the co-accused or with the recovery effected from him.



He contends that the petitioner was not nominated in the FIR but has been nominated on the disclosure statement of co-accused Ritik from whom the contraband was recovered. Subsequently petitioner was arrested and no recovery of contraband has been effected from him. He submits that the petitioner is in custody since 19.08.2023 and after completion of investigation, challan has already been presented in Court. Hence he prays for grant of regular bail to the petitioner.

5. *On the other hand*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by arguing that although the petitioner has been named in the disclosure statement of co-accused Ritik and consequent upon his arrest no recovery of contraband has been effected from him, but he has been actively involved in the crime, hence prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the co-accused Ritik was arrested by the police in the instant FIR on 18.08.2023 and from whom recovery of 1 Kg 130 grams charas was effected, subsequently, petitioner was nominated by him in his disclosure statement and was arrested on 19.08.2023. However, admittedly no recovery has been effected from the petitioner pertaining to any narcotics and the petitioner has no criminal antecedents. After completion of investigation, challan has already been presented in Court where it is pending trial and 17 witnesses have been cited by the prosecution and till date none of them have been examined. Considering, the fact that no recovery of contraband has been effected from the petitioner, who was nominated on the basis of



disclosure statement, and disposal of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time, therefore, petitioner is not allowed to suffer further incarceration.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

30.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |