



110+218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46158-2024 (O&M)
Date of Decision: 11.03.2025

Vikas ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr. Sumit S. Bairagi, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-4474-2025

Prayer in the application is for placing on record the copy of judgment/order of acquittal qua the petitioner/applicant as Annexures P-4 to P-7.

Application is allowed as prayed for, subject to all just exceptions.
Annexures P-4 to P-7 are taken on record.

CRM-M-46158-2024

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.380 dated 14.06.2024 registered under Section 22(C) and 25 of NDPS Act (Section 29 of NDPS act added later on), at Police Station Indri, District Karnal.



2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, Anil, co-accused was arrested by the police and he was found carrying 720 Tramadol capsules and 750 Alprazolam tablets, without any permit or license. He had suffered a disclosure statement and named Aafir as one of the accused in the present case. Thereafter, his second disclosure statement was recorded and he retracted from his earlier statement and subsequently, named the petitioner is one of the accused in the present case. He further contends that the petitioner was arrested in the present case on 04.07.2024 and no recovery was effected from him. Even, challan has been presented against him and the charge is yet to be framed against him. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that recovery of contraband from Anil, co-accused was commercial in nature and the petitioner has been continuously in-touch with Anil on phone.

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

5. No doubt, heavy recovery of contraband was made from Anil, co-accused, but Anil, co-accused is still in custody. In the present case, the petitioner was arrested on 04.07.2024 and no recovery was effected from him. Thus, the case of the petitioner is clearly distinguishable from the case of the co-accused, namely, Anil. Even the charge has not been framed against the petitioner so far and his further custody will not serve any meaningful purpose.

Moreover, the petitioner was earlier involved in four more cases, but he has been acquitted in all the cases.

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.

11.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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