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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51119-2024 (O&M)
Date of decision: 13.01.2025

Shubham Dixit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of regular bail under Section 483 BNNS in case FIR No.123 dated 30.05.2024 under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Offence under Section 29 NDPS Act stands added lateron) registered at Police Station Kalka, District Panchkula.
2. Learned counsel for the petitioner submits that a secret information was received qua the involvement of co-accused Amrit Rawat in drug trafficking Pursuant to the tip off, the police nabbed co-accused Amrit Rawat leading to the recovery of 6180 tablets of Lomotil. During interrogation, co-accused Amrit Rawat, nominated co-accused Devender Morya as the person, who had supplied the recovered contraband. Thereafter, on being arrested co-accused Devender Morya suffered a disclosure statement nominating the petitioner as being the person through whom the contraband had been procured and thereafter sold to accused Amrit Rawat. Learned counsel for the petitioner submits that firstly the

accused has poor evidentiary value, coupled with the fact that the petitioner has no previous criminal antecedents which leads no manner of doubt that the petitioner is innocent and has been falsely implicated in the instant case.

3. On a pointed query put to the learned counsel for the petitioner as to whether any recovery of contraband was effected from him on being arrested on 14.06.2024, he has categorically replied in the negative.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner, nor has he disputed that the petitioner was nominated as an accused in the present case on the second disclosure statement made by co-accused Devender Morya. It has also not been controverted by the learned counsel for the State that the petitioner has no previous criminal antecedents and no recovery of any contraband was made from him when he was arrested by the police in the present case. On a further query, learned State counsel, on instructions, has submitted that the investigation in the present case is complete as challan was presented on 30.09.2024, however, charges have not yet been framed and are likely to be framed today before the trial Court.

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

6. The petitioner has been in custody since 14.06.2024 and came to be nominated as an accused in the disclosure statement suffered by the co-accused Devender Morya, who too was arrayed an accused on the basis of a disclosure statement allegedly suffered by Amrit Rawat. As not disputed by the learned State counsel, neither was the petitioner named in the secret information, nor any recovery of contraband was effected from him, the trial would take considerable time to conclude as charges are yet to be framed and as many as 23 witnesses have been cited by the prosecution.

7. 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 here-in-above shall not be construed to be an expression of opinion on the merits of the case.

13.01.2025

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No