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

CRM-M-53553-2024
Decided on : 17.01.2025

Gulshan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. Pankaj Kaushik, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Karamjit Singh, J.(Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.PC for grant of regular bail in case FIR No.344 dated 03.09.2019 under Sections 20 of NDPS Act, 1985 registered at Police Station Rai District Sonipat.

2. The allegations in nutshell are that the police recovered 230 kg of ganja from a car bearing vehicle No.UP-14DD-1594 driven by co-accused Mahender and another occupant namely Parvez @ Shahrukh Khan managed to escape at the time of said recovery. The present petitioner was nominated as an accused as a supplier of the said contraband on the basis of disclosure statement suffered by co-accused Kuldeep, who was nominated as an accused on the basis



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of disclosure statement suffered by Mahender. Thereafter, the present petitioner was arrested by the police on 31.03.2024.

3. Counsel for the petitioner *inter alia* submits that the present petitioner was named as an accused on the basis of disclosure statement made by co-accused Kuldeep. That no contraband has been recovered from the present petitioner or aforesaid co-accused Kuldeep by the police during investigation of this case. Further, the alleged disclosure statement suffered by co-accused against the present petitioner is inadmissible in evidence. That the petitioner is incarcerated for the last more than 9 months and is having no criminal history and that it will take time for the trial to conclude and no gainful purpose is going to be served by keeping the petitioner in custody for any longer period as main accused Mahender and co-accused Parvez @ Shahrukh Khan are already given benefit of regular bail by the Court concerned.

4. Status report by way of an affidavit of Vipin Kumar Ahlawat, Assistant Commissioner of Police, Rai District Sonipat along with report of FSL (Annexure R-1) and Custody Certificate of the petitioner filed on behalf of State are taken on record.

5. The counsel for the State while resisting the present petition, on instructions from SI Ajmer Singh, submits that the present case is relating to the recovery of commercial quantity of ganja from a car driven by co-accused Mahender and Parevez @ Shahrukh Khan was also travelling in the said car. The stringent provisions of Section



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37 of NDPS Act are attracted to the present case. However, State counsel has not disputed the fact that the petitioner, who was not named in the FIR, was later on nominated as an accused on the basis of disclosure statement made by co-accused Kuldeep and that no contraband was recovered from the present petitioner and aforesaid Kuldeep during investigation of the case. It is also not disputed that the petitioner is having no criminal antecedents and the trial is at its initial stage.

6. The disclosure statement suffered by co-accused Kuldeep on the basis of which the present petitioner was impleaded as an accused will be tested during trial with regard to its veracity and relevance. The petitioner, who is not facing any other criminal case, is behind bars for the last more than 9 months and it will take time for the trial to terminate. Further main accused Mahender, who was arrested at the spot, is already given the concession of regular bail vide order dated 17.05.2024 passed by this Court in CRM-M-20636-2024. Copy thereof is taken on record.

7. In the given circumstances, further detention of the petitioner in judicial custody is not going to serve any purpose. In the light of above and without expressing any opinion 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. In case the petitioner is found to



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be involved or gets involved in any other criminal case while on bail,
the prosecution shall be at liberty to seek cancellation of his bail in the
instant case.

17.01.2025
sonia

(KARAMJIT SINGH)
JUDGE

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