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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53686-2024
Date of decision:-03.03.2025

KRISHAN PAL

Versus

STATE OF HARYANA

... Petitioner

... Respondent

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

Present:- Mr. Davneet Sangwan, Advocate, for the petitioner.

 Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 28.02.2025, the same is taken on record, copy thereof has been supplied to the counsel opposite.

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
57	07.03.2024	22 (C), 29 of NDPS Act	Sadhaura, District Yamuna Nagar

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. He



contends that petitioner was not named in the FIR but has been nominated on the alleged disclosure statement of co-accused Sharukh Khan from whom the recovery of Tramadol capsules has been effected and the petitioner has no concern with the aforesaid co-accused nor has any concern with the alleged transaction. He contends that after being arrested on 15.07.2024, no recovery has been effected from the petitioner and after completion of investigation, challan has already been presented in Court, wherein 28 witnesses have been cited by the prosecution and till date none of them have been examined. He submits that petitioner has one more NDPS case registered against him but he is on bail therein. Hence, he prays for grant of bail to the petitioner.

5. *On the other hand*, learned State counsel referring to the reply submitted by the State has prayed for dismissal of the bail petition on the ground that recovery of contraband effected from co-accused Sharukh Khan is commercial in nature, however he has not disputed the fact that no recovery has been effected from the petitioner, consequent upon his arrest in the present case.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered consequent upon recovery of 880 capsules of Tarmadol from the possession of co-accused Sharukh Khan. Admittedly, the petitioner is not named in the FIR and has been nominated on the alleged disclosure statement of co-accused Sharukh Khan. The petitioner was arrested on 15.07.2024 and no recovery has been effected from him. After completion of investigation, challan has already been presented in Court where 28 witnesses have been cited by the prosecution

and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

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.

(SANJIV BERRY)
JUDGE

03.03.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No