



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

CRM-M-58067-2024
Date of Decision:04.02.2025

ROHIT KUMAR SAINI

VERSUS

....Petitioner

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sauhard Singh, Advocate
 for the petitioner.

Mr. Arjun Lakhanpal, Addl.A.G., Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.433 dated 09.09.2024 registered for the offences punishable under Sections 22(c) of NDPS Act and Section 29 of NDPS Act added later on at Police Station Sadar Yamunanagar, District Yamunanagar, Haryana.

2. The allegations in nutshell are that police recovered 600 capsules of Tramadol Hydrochloride weighing 345.75 gms from co-accused Ravi Kumar on 08.09.2024. Thereafter said Ravi Kumar suffered disclosure statement which resulted into nomination of one Kuldeep @ Kala as an accused. Thereafter Kuldeep @ Kala was arrested



and suffered disclosure statement wherein he named the present petitioner to be supplier of the aforesaid contraband which was recovered from Ravi Kumar. Resultantly, the present petitioner was arrested on 11.09.2024.

3. Counsel appearing on behalf of petitioner submits that petitioner is falsely implicated in the present case on the basis of disclosure statement suffered by co-accused Kuldeep @ Kala. The said disclosure statement is inadmissible in evidence. Further no recovery of contraband was effected from the present petitioner or co-accused Kuldeep @ Kala. Counsel for the petitioner further submits that except for the alleged disclosure statement suffered by co-accused Kuldeep @ Kala, there is no other document or evidence available with the police to connect the present petitioner with recovery of 600 capsules of Tramadol Hydorchloride effected from Ravi Kumar. It is further submitted that the petitioner is in custody for the last more than 4 months and is not involved in any other criminal case and it will take time for conclusion of the trial even after presentation of challan. That in the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel, who submits that the name of the present petitioner surfaced in the disclosure statement suffered by co-accused Kuldddep @ Kala, who was nominated



as accused on the basis of disclosure statement suffered by one Ravi Kumar from whom police recovered 600 grams of capsules of Tramadol Hydrochloride. However, the State counsel has not disputed the fact that petitioner is behind bars for the last more than 4 months and during investigation no contraband was recovered from the possession of the present petitioner as well as that of co-accused Kuldeep @ Kala. The State counsel further submits that till date police has not presented challan as the investigation is in progress.

5. I have considered the submissions made by the counsel for the parties.

6. The disclosure statement suffered by co-accused on the basis of which the petitioner is nominated as accused will be tested during trial with regard to its veracity and relevance. Further during investigation no contraband is recovered from the present petitioner who is incarcerated for the last more than 4 months. Further the petitioner is having no criminal history and it will take time for the trial to terminate even after presentation of challan. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of the above, without commenting 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.

04.02.2025

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No