

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:030707



(249)

CRM-M-10946-2025

Date of Decision: 04.03.2025

Sidharth

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Namit Khurana, Advocate for petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.121, dated 29.04.2024, under Sections 22(c), 29 of NDPS Act, registered at Police Station, Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioner submits that petitioner has been in custody since 06.07.2024 and investigation in the present case is complete as challan already stands presented. It has been further submitted that even as per the case of prosecution, no recovery of any contraband was effected from the petitioner when he was arrested in the present case pursuant to the disclosure statement suffered by the co-accused Gurdeep Kumar from whom a recovery of 645 tablets of Tramadol was effected. Counsel asserts that the disclosure statement on the basis of which petitioner has been nominated as accused in the present case holds little evidentiary value and since no recovery of any contraband has been effected

from him in the present case, his further incarceration would serve no useful purpose. Counsel has also pointed out to the petitioner's false implication.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed that the petitioner has been in custody since 06.07.2024 and challan already stands presented. Learned State counsel, however, submits that initially Gurdeep Kumar had suffered a statement nominating one Jitender as the alleged supplier of the contraband, however, when investigation was carried out, it came to the fore that it was not Jitender but the petitioner, who was the alleged supplier. On being pointedly asked, learned State counsel, on instructions, was unable to refute that no recovery of any contraband much less Tramadol was effected from the petitioner. State counsel has further submitted that petitioner has previously been involved in one case under the NDPS Act and hence it lends substance to the case of the prosecution that he was supplier of the recovered contraband.

I have heard learned counsel for the parties and examined the material on record.

The investigation in the present case is complete with the challan having already been presented. Since 22 prosecution witnesses have been cited and charges have not yet been framed, the possibility of the trial concluding in the near future seems remote. As not disputed by the learned State counsel, no recovery of any contraband much less Tramadol was effected from the petitioner, this Court deems it fit to admit the petitioner to bail.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

04.03.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No