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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14141-2024 (O&M)

Date of decision:-05.05.2025

GIRAVAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Yoginder Singh Rana, Advocate for
Mr. Chahit Bansal, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
37	17.01.2023	20(b) (ii) (C) of NDPS Act	Hodal, District Palwal, Haryana

2. Arguments heard.

3. 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 the petitioner was not named in the FIR but was nominated on the alleged disclosure statement of co-accused Virender and Tejpal from whom the alleged recovery of 28.934 kg of Ganja Patti was effected. He



contends that petitioner has no concern with the alleged recovery and he was arrested on 25.11.2023, since then he is in custody and no recovery has been effected from the petitioner in this case. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 22 witnesses and till date only 8 witnesses have been examined, the conclusion of trial will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that recovery of contraband has been effected from the co-accused Virender and Tejpal and they had specifically mentioned in their statement that they purchased the contraband from the petitioner. Hence prayed for dismissal of the bail petition. However, he has not denied the fact that no recovery of contraband has been effected from the petitioner.

5. After considering the rival contentions and perusing the record, it is observed that as per the case of the prosecution the petitioner was nominated on the alleged disclosure statement of co-accused Virender and Tejpal wherein they named the petitioner to be supplier thereof. Admittedly, apart from the said disclosure statement nothing substantive has come on record connecting the petitioner with the alleged recovery and even after his arrest on 25.11.2023 no contraband has been recovered from him in the present case. After completion of investigation, challan has already been presented in Court, wherein prosecution has cited 22 witnesses and till date only 8 witnesses have been examined. In this manner, the conclusion of trial



to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such no purpose would be served by detaining the petitioner any longer in custody.

6. In these circumstances, without commenting on the merits of the case, 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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.05.2025

Gyan

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