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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4383-2025

Date of decision:-24.03.2025

SHALINDER CHAUHAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

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

Mr. Amrik Narwal, DAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of short affidavit dated 22.03.2025 of Deputy Superintendent of Police, Yamuna Nagar, 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, having no concern with the alleged recovery and has been falsely implicated in this case by the police. He contends that petitioner was not named in the FIR but has been nominated on the alleged

disclosure statement of co-accused Ankit, who in turn was nominated by one Krishan Pal. He contends that Krishan Pal was nominated by the co-accused Sharukh Khan from whom 880 Tramadol capsules were allegedly recovered by the police. He contends that there had been no recovery of any contraband from the co-accused Krishanpal or Ankit and the petitioner has unnecessarily roped as accused in the case. He contends that after being arrested on 09.10.2024, no recovery of contraband has been effected from the petitioner. 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, as such, conclusion of trial will take sufficient time. Hence, prays for grant of bail to the petitioner.

5. *On the other hand*, learned State counsel on instructions from SI Satpal, referring to the reply submitted by the State has assailed these arguments and 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 possession of the petitioner.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against Sharukh Khan consequent upon recovery of 880 capsules of Tarmadol from him on 07.03.2024. As per the version of the prosecution, on the basis of disclosure statement made by him, one Krishan Pal was nominated and arrested, however no recovery was effected from him. The said Krishan Pal has already been granted concession of bail by this Court, vide order dated 03.03.2025 passed in CRM-M-53686-2024. On his disclosure statement co-

accused Ankit was nominated and arrested, still no recovery was effected from him, and on the basis of alleged disclosure statement given by him present petitioner was nominated. The petitioner was arrested on 09.10.2024 and admittedly, no recovery of contraband 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

24.03.2025

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i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No