

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

**CRM-M-17613 of 2015 (O&M)
Date of Decision: 2.7.2015**

Darshan Singh @ Giani

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ravi Sodhi, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 107 dated 2.10.2013 under Section 15 of the NDPS Act, registered at Police Station Odhan, District Sirsa.

Notice to the Advocate General, Haryana.

On the asking of the Court, Mr. Ashish Yadav, Additional A.G. Haryana, accepts notice.

Learned counsel for the petitioner submits that admittedly, nothing has been recovered from the petitioner in the present case. He further submits that the petitioner has been sought to be implicated only on the basis of a disclosure statement made by his co-accused namely Karam Singh from whom recovery of 18 Kgs of poppy straw was effected. He concluded by submitting that a disclosure statement not followed by any recovery would be hardly of any evidentiary value. He prays for allowing the present petition.

ANIL KUMAR
2015.07.02 17:45
I attest to the accuracy and
authenticity of this document

On the other hand, learned counsel for the State, on instructions from ASI Dharampal, submits that petitioner was facing very many cases and he was a habitual offender. So far as the present case is concerned, he submits that Karam Singh, co-accused of the petitioner, has stated before the police that he purchased the recovered contraband from the petitioner-Darshan Singh @ Giani. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because after perusal of the police file placed before this Court, it has been found that Karam Singh, co-accused of the petitioner, did not say in his first statement recorded on 3.10.2013 that he purchased the contraband in question from the petitioner.

In view of the above and without commenting any further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

2.7.2015
Ak Sharma