

Sr. No.225

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-41653 of 2016 (O&M)

Date of Decision: 20.02.2017

Mandeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

CRM No. M-43380 of 2016 (O&M)

Krishan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate,
for the petitioner in CRM No.M-41653 of 2016.

Mr. Paramjit Jakhar, Advocate,
for the petitioner in CRM No.M-43380 of 2016.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-41653 of 2016 (Mandeep Singh Vs. State of Haryana) and CRM No.M-43380 of 2016 (Krishan Kumar Vs. State of Haryana) as both these petitions have been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner(s) herein pending trial in case FIR No.524 dated 04.09.2016, under Sections 217, 221, 120-B of IPC, Sections 21-B, 27-A of NDPS Act and Sections 7, 8, 13(2) of P.C. Act, registered at Police Station City Fatehabad, District Fatehabad.

Counsel for the parties have been heard.

As per prosecution version, ASI Baldev Kumar received secret information as regards one Sanjay and Bansilal being involved in supplying heroin. ASI Baldev Kumar is stated to have been received secret information pertaining to two afore-noticed persons Sanjay and Bansilal being present at a hotel on Sirsa Road, Fatehabad on the evening of 02.09.2016 and where 3-4 police officials including the present petitioners had also been present. Allegations are that the two petitioners herein who are Head Constables in Haryana Police accepted illegal gratification from Sanjay and Bansilal.

It has gone uncontroverted that the present petitioners are sought to be implicated on the disclosure statements of Sanjay and Bansilal and from whom 25 gms. each of heroin was effected. That apart, there is stated to be disclosure statements of the petitioners themselves and a recovery of Rs.20,000/- is stated to have been effected from Krishan Kumar along with a mobile phone and of a similar amount as also two mobile phones from Mandeep Singh.

Both the petitioners were arrested on 04.09.2016.

Investigation in the case is complete and the challan already stands presented.

Trial is stated to be at the very initial stage.

There is no recovery of contraband from the persons of petitioners. It is a case of hearsay evidence and based on secret information.

Evidentiary value of disclosure statements made by co-accused as also the present petitioners while in custody would be an issue to be considered by the trial Court.

Without making any observations on merits, both the

petitioners in these two petitions are held entitled to the benefit of bail.

Petitions are allowed. Petitioners be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Fatehabad.

Disposed of.

20.02.2017
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No