

Sr. No.276

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-5426 of 2017 (O&M)

Date of Decision: 23.02.2017

Nek Chand

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.755 dated 18.12.2016, under Section 21-C of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

Counsel submits that as per prosecution version, the recovery effected is of 10,000 tablets of Microlit from co-accused Rakesh Kumar and which were in a bag found in the possession of Rakesh Kumar.

The present petitioner is sought to be implicated on the basis that he was accompanying the main accused Rakesh Kumar and had alighted from the same bus and he also belongs to the same village.

That apart, prosecution has a disclosure statement recorded by the petitioner himself.

Petitioner has been in custody since 18.12.2016.

The evidentiary value of a disclosure recorded of the petitioner himself would be an issue to be considered during the course of trial.

Concededly, there is no recovery effected from the person of

the petitioner.

Petitioner is not stated to be involved in any other case under the NDPS Act. The plea raised by the petitioner as regards false implication cannot be discounted.

Without making any observations on merits, prayer made in the present petition is accepted.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Fatehabad.

Disposed of.

23.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No