

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

CRM-M No.13467 of 2018
DATE OF DECISION:27.08.2018

Kalu Ram

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner-Kalu Ram seeks regular bail in case FIR No.260, dated 14.08.2008, registered under Sections 15, 27-A, 61, 85 of NDPS Act at Police Station Sadar, Fatehabad.

Learned counsel for the petitioner submits that the petitioner has been implicated in the case only on the basis of disclosure statement made by main accused-Tarsem Singh. Name of the petitioner was not mentioned in the FIR and he was not found to be present at the place of occurrence and stated to have run away from the place of occurrence. Said main accused was earlier declared proclaimed offender and thereafter he was arrested on 05.02.2018 and made disclosure statement and named the present petitioner. He also submits that petitioner is not involved in any other case of NDPS Act and is in custody for the last more than six months and even the charge has not been framed. The trial of the case would take

long time to conclude and no purpose would be served to keep the petitioner behind the bars. All witnesses are official witnesses and petitioner would not influence the witnesses or tamper with the record. He undertakes to appear on each and every date of hearing before the trial Court.

Learned State counsel has not disputed the custody period and also the fact that the petitioner has been implicated on the basis of disclosure statement made by co-accused but he has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence.

Heard arguments of learned counsel for the petitioner and have also perused the contents of the FIR and other documents on the file.

Keeping in view the fact that the petitioner is in custody since 05.02.2018, that the petitioner has been implicated only on the basis of disclosure statement; there is no other case against the petitioner, no recovery was effected from the petitioner; the charge has also not been framed and trial of the case may take long time to conclude, the present petition is allowed. The petitioner, namely, Kalu Ram is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

27.08.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No