

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-28713 of 2018

DATE OF DECISION:14.11.2018

Karam Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Karam Singh in case FIR No. 84 dated 7.9.2017 registered under Section 21 and 29 of NDPS Act at Police Station Jhansa, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved. Co-accused, namely, Amneet Kumar and Gagandeep Garg were arrested by the police along with 18.40 gms of smack and during interrogation they made disclosure statement involving the petitioner, whereas, no recovery was effected from him. Learned counsel further contends that disclosure statement made by co-accused has no evidentiary value in the eyes of law. It has also been brought to the notice of this Court by learned counsel for the petitioner himself that in one case of NDPS Act, the petitioner has been convicted and appeal is pending before this Court, wherein, sentence has

been suspended. In other cases under Section 302 IPC and 420 IPC, the petitioner has been acquitted. In other case under Punjab Excise Act, which is of the year 1997, fine was paid and in case of NDPS Act where recovery was 39 gms of opium, the petitioner has already undergone the sentence. Co-accused of the petitioner, namely, Amneet Kumar and Gagandeep Garg have been released on regular bail by the trial Court. Learned counsel also contends that all the witnesses are official and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses.

Learned counsel for the respondent-State has not disputed the custody period and release of co-accused on regular bail. However, she submits that out of total 11 prosecution witnesses, two have been examined.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner is in custody since 29.11.2017; all the witnesses are official and there is no possibility that the petitioner may tamper with the evidence or influence the witnesses and co-accused, namely, Amneet Kumar and Gagandeep Garg have already been released on regular bail, the present petition is allowed. Petitioner-Karam Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 14, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No