

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-30773 of 2018

DATE OF DECISION:10.10.2018

Ashok Kumar @ Kala

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. SS Mor, Advocate
for the petitioner.

Mr. DK Mittal, DAG, Haryana.

DAYA CHAUDHARY, J.

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to petitioner-Ashok Kumar @ Kala in case FIR No. 203 dated 23.6.2017 registered under Section 15 and 25 of NDPS Act (Section 29 NDPS Act added later on) at Police Station Nissing, District Karnal.

Learned counsel for the petitioner contends that earlier petition was dismissed as withdrawn on 14.3.2018. The petitioner has falsely been implicated in this case only on the basis of disclosure statement made by co-accused-Harmandeep Singh and Didar Singh. No recovery has been effected from the petitioner and even he was not named in the FIR. Learned counsel further contends that the FIR was registered on the basis of secret information and only two persons i.e. Harmandeep Singh and Didar Singh were named in the FIR. Neither any role has been attributed to the

petitioner nor any description is there. Even during investigation no evidence was collected to connect the petitioner in the commission of offence. The petitioner is in custody since 4.7.2017 and no purpose would be served by keeping him in custody as challan has already been presented and charges have also been framed.

Learned counsel for respondent-State has not disputed the custody period and also the fact that the petitioner has been involved in this case on the basis of disclosure statement. However, he opposed the submissions made by learned counsel for the petitioner.

Keeping in view the submissions made by learned counsel for the petitioner and the facts that the petitioner is in custody since 4.7.2017; no evidence has been collected during investigation and only on the basis of disclosure statement, the petitioner has been implicated in this case, the present petition is allowed. Petitioner-Ashok Kumar @ Kala is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 10, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No