

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

CRM-M-24018 of 2019
Date of Decision: 30.09.2019

Rajesh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Narinder Singh Dhillon, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No. 328 dated 20.09.2018, under Section 420 of the Indian Penal Code and Sections 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (later on Sections 27-A and 29 of NDPS Act were added) , registered at Police Station Sadar Jind, District Jind.

Learned counsel for the petitioner contends that as per the allegation of the prosecution as disclosed in the affidavit of Ashwin Shenvi, IPS, Senior Superintendent of Police, Jind, petitioner has travelled to Vishakhapatnam by air from Delhi after contacting on telephone with Murlidhar Vishvakarma @ Monu, but neither any call detail of the petitioner; nor any air ticket have been procured or recovered by the Investigating agency. Further contends that as a

matter of fact it is another Rajesh s/o Ramesh @ Papu from the same village and not the present petitioner, who is the real culprit in the case, but the petitioner has been falsely implicated in this case merely having similar name on the basis of disclosure statement suffered by co-accused Anil as well as Rajesh s/o Ramesh @ Papu.

Learned State counsel on instructions from the police official candidly stated that neither any call details of the petitioner with Murlidhar Vishvakarma @ Monu; nor any air ticket have been recovered during investigation. Also states that except the disclosure made by the co-accused Rajesh s/o Ramesh @ Papu as well as Anil, there is no material available on record with regard to the complicity of the petitioner. Also conceded that no contraband was recovered from the petitioner.

Heard learned counsel for the parties and perused the paper book.

Since the co-accused/Murlidhar Vishvakarma @ Monu has already been granted bail by learned trial Court itself and there is no material available on record for the complicity of the petitioner in the present case except disclosure mentioned above and he is in custody since 21.02.2019. Neither any contraband; nor any incriminating material has been recovered from the petitioner during investigation. The trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, without

expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Rajesh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

September 30, 2019
rashmi

Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no