

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

CRM-M No. 47547 of 2019

Date of Decision:-13.11.2019

Mandeep alias Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Lalit Kumar Yadav, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Mandeep alias Monu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 52 dated 12.2.2019, under Sections 20 and 27 of NDPS Act, 1985, registered at Police Station Sadar Dadri, District Charkhi Dadri. The petitioner is in custody since 26.2.2019.

On a secret information, the co-accused, namely, Anil @ Kaliya was intercepted by the police party and recovery of 50 grams of *charas* was effected from him. On the basis of disclosure statement of said co-accused Anil@ Kaliya, Mandeep alias Monu (petitioner) has been indicted in the present case.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and no role has been attributed to the petitioner in the FIR in question. He submits that the

recovery of contraband has been effected from the conscious possession of co-accused Anil @ Kaliya. Learned counsel for the petitioner further contends that the petitioner was not arrested on the spot and he was indicted only on the basis of disclosure statement of co-accused Anil, which has no sanctity at all and not admissible in evidence. Learned counsel has further relies upon the order dated 02.6.2016, wherein similarly placed co-accused Bijender has been granted concession of anticipatory bail by this Court in CRM-M-19760-2016 and vide order dated 07.10.2016 the order dated 02.6.2016 has been made absolute.

On the other hand, learned State counsel, who is assisted by EASI Naresh Kumar opposed the prayer on the ground that the petitioner has been specifically named by co-accused Anil @ Kaliya in his disclosure statement that he has purchased the contraband from the petitioner.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Charkhi Dadri.

The petition is allowed.

November 13, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No