

CRM-M No. 48222 of 2019**Date of Decision:-19.11.2019****JAGSIR SINGH ALIAS SIRA****.....Petitioner****V/S****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Charanpreet Singh, Advocate
for Mr. Manjit Singh Uppal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana
assisted by SI Dilbagh Singh

**********ARUN KUMAR TYAGI, J. (ORAL)**

The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail in case FIR No. 74 dated 31.08.2018 under Section 22 (c) of the NDPS, 1985 registered at Police Station Rori, District Sirsa, Haryana.

Learned Counsel for the petitioner has argued that the petitioner was not arrested on the spot, no recovery was made from him and he was not named in the FIR. He has been implicated only on the basis of disclosure statement made by main accused Ramandeep, from whose possession recovery of 400 tablets containing 348 grams of Tramadol was made. He has already been granted regular bail by this Court. Disclosure statement of the co-accused does not constitute substantive evidence against the petitioner and there is no other material to sustain the allegation of his complicity in the crime. While praying for grant of regular bail learned

Counsel for the petitioner has placed reliance on judgment of Hon'ble Supreme Court in “*Surinder Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence:2018(3) R.C.R (Criminal) 954*” in support of his contention.

On the other hand, learned State Counsel has argued that the petitioner is accused of having abetted the commission of offence or being a party to criminal conspiracy to commit the offence and does not deserve grant of regular bail. However, learned State Counsel has conceded that the petitioner is not involved in any other case under the NDPS Act.

Keeping in view the facts and circumstances of the case that the petitioner has been implicated on the basis of disclosure statement of co-accused, no recovery has been made from him and there is no other material regarding his complicity and the fact that he is not involved any other case under the NDPS Act which by implication satisfies both the conditions of Section 37 (1) (b) of the NDPS Act but without expressing any opinion on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail. Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of bail bonds to the satisfaction of Trial Court. However, in case of commission of any offence under the provisions of NDPS Act by the petitioner in future, his bail in the present case shall also be liable to be cancelled on filing of application in this regard.

19.11.2019
Kavneet Singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No