

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26968-2020 (O&M)
Date of Decision:- 16.9.2020

Ramesh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.104, dated 18.5.2020, Police Station Sadar Tohana, District Fatehabad, under Sections 22(c), 27-A of NDPS Act, Sections 188, 420, 471, 472, 473, 269 IPC and Section 51(b) of Disaster Management Act.

2. It is the case of prosecution that one Narinder was apprehended on 18.5.2020 by the police who was found in possession of 2500 capsules of 'Tramadol'. It is further the case of prosecution that during the course of interrogation he suffered a disclosure statement to the effect that he had procured the aforesaid contraband from the present petitioner. Consequently, the present petitioner was arrested on the very next day i.e. on 19.5.2020.
3. Learned counsel for the petitioner has submitted that he has falsely been involved in the present case on the basis of a disclosure statement allegedly made by co-accused and that no recovery whatsoever was ever effected from him.
4. Opposing the petition, learned State counsel has submitted that since the main accused from whom recovery was effected has categorically named the petitioner as the supplier of contraband, no case for grant of bail is made out. Learned State counsel upon instructions from ASI Prem Kumar, has further informed, that the petitioner has been behind bars since the last about 4 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court. It is not disputed that the petitioner is nominated as an accused on the basis of disclosure statement, the admissibility and veracity of which would be debatable. In any case since no recovery was ever effected from the petitioner and since he has been behind bars since the last more than 4 months and is not stated to be involved in any other case, his further detention will not serve any useful purpose. The petition,

as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

September 16, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No