

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

CRM-M-28581-2019 (O&M)

Date of Decision:- 13.8.2020

Karu Lal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satnam Singh Gill, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana assisted by
ASI Rishpal Singh.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

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.203, dated 18.5.2019, under Sections 15, 18 and 29 of NDPS Act, Police Station Kurukshetra University, Kurukshetra.
2. It is the case of prosecution that a secret information was received by the police to the effect that Prem Van Yogeshwar indulges in smuggling 'Poppy Husk' and 'Opium' from Rajasthan and that on the

said day also he was bringing the contraband in Ciaz car bearing registration No.HR-51S-0045. Pursuant to receipt of said information barricading was held and the car in question was apprehended which was being driven by the Prem Van Yogeshwar and upon search of the car 2 kg of 'Opium' apart from 110 kgs of 'Poppy Husk' was recovered.

3. It is further the case of prosecution that after about 3 days of the apprehension of Prem Van Yogeshwar, he made a disclosure statement to the effect that he had procured the contraband from the petitioner. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused in the present case on the basis of alleged disclosure statement, which would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since the main accused namely Prem Van Yogeshwar from whom contraband had been recovered has specifically named the petitioner as the supplier of contraband, no case for grant of bail is made out. Learned State counsel, upon instructions from ASI Rishpal, has however, informed that the petitioner has been behind bars since the last about 1 year 3 months and is not involved in any other case.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner was not apprehended at the spot and has been nominated on the basis of a disclosure statement, the veracity and admissibility of which is yet to be established and while also noticing that the petitioner has been

behind bars since the last about 1 year and 3 months and is not stated to be a previous convict, further detention of the petitioner 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.

August 13, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No