

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5155-2021 (O&M)
Date of decision: 10.02.2021

Manoj Thakral

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.646 dated 19.10.2020 under Sections 21C, 22C, 29 of NDPS Act, registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner relies upon the order dated 12.01.2021 passed in CRM-M-467-2021, vide which co-accused Pardeep has been granted the concession of regular bail. The operative part of the order reads as under: -

“...Counsel for the petitioner submits that as per the allegations in the FIR, the police received a secret information that co-accused

Bablu Ram is involved in selling of intoxicants/capsules and can be apprehended with narcotic substance. On this, a raiding party was constituted and Bablu Ram was apprehended and 1400 tablets of tramadol were recovered from a bag, which fall under the commercial quantity. Counsel for the petitioner submits that the petitioner was not named in the secret information. However, on disclosure of the co-accused, Bablu Ram, he has been nominated in the present FIR.

Counsel for the petitioner further submits that one more accused Ranjit Singh was also arrested on further disclosure made by the petitioner and similarly one another accused Manoj Kumar was arrested, who had stated that he has taken the contraband from the medical shop of his brother-in-law Sanjay Kumar. He further submits that Sanjay Kumar has already died due to COVID-19.

Counsel for the petitioner also submits that except from effecting recovery from Bablu Ram, who, as per the police version, was arrested at the spot and recovery was effected, in pursuance to the arrested of the petitioner or other accused, no recovery was effected.

*Counsel for the petitioner has relied upon the judgment dated 29.10.2020 of the Hon'ble Supreme Court passed in Criminal Appeal No. 152 of 2013 titled as **"Tofan Singh Vs. State***

of Tamil Nadu”, to submit that the disclosure made by co-accused is not admissible against the co-accused in terms of Section 67 of the NDPS Act. It is further argued that the petitioner is not involved in any other case.

Learned State counsel on instructions from ASI Ajay Kumar could not dispute the factual position to submit that the FSL report is still awaited...”

Learned counsel for the petitioner submits that no recovery was effected from the petitioner and after arrest of main accused Bablu Ram, a sequence of disclosure statements was recorded and on the basis of four disclosure statements, the petitioner has been nominated.

Learned State counsel could not dispute the factual position. It is also not disputed that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that aforesaid co-accused of the petitioner has already been granted the concession of regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No