

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

CRM-M-21783-2020 (O&M)
Date of Decision:- 9.2.2021

Kishore Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bishnoi, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Krishan Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.160, dated 6.3.2017, Police Station Sadar, Ratia, District Fatehabad, under Sections 18, 25 and 27-A of NDPS Act.
2. The case of prosecution, in nutshell, is that on 6.3.2017 during the course of patrolling, the police party intercepted a person who was going on a motorcycle and upon whose search 290 grams of 'Opium milk' was recovered. The said person disclosed his name as Baljit Singh. During interrogation he further disclosed that it is the

petitioner-Kishore Kumar who had supplied the aforesaid 'Opium milk' to Baljit Singh.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and was never present at the spot and has been nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable.
4. On the other hand, learned State counsel has submitted that keeping in view the past conduct of the petitioner who had been declared a 'Proclaimed Offender' on 12.10.2017 and remained absconding for about 2 years and 8 months, he does not deserve the concession of bail. It has further been informed that the petitioner is also involved in three other cases.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was not arrested at the spot and nor any recovery was ever effected from him and it is only on the basis of a disclosure statement allegedly made by co-accused Baljit Singh that the petitioner came to be nominated as an accused. Though the petitioner was declared a 'Proclaimed Offender' in the year 2017 and was subsequently arrested on 6.6.2020, but ever since 6.6.2020, the petitioner has been behind bars i.e. for a period of about 8 months. The said period would serve sufficient deterrent to the petitioner to be more careful in future.
7. Having regard to the aforestated facts especially that it is a case based on disclosure statement as far as the petitioner is concerned, the petition is accepted and the petitioner is ordered to be released on

bail subject to his furnishing bail bonds to the satisfaction of learned
trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 9, 2021

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No