

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

CRM-M-36111-2021 (O&M)
Date of Decision:-22.9.2021

Raju Tanwar @ Krelia

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Sandeep Singh.

(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.0240 dated 2.5.2021 at Police Station HTM Hisar, District Hisar under Sections 20(c), 27(a) and 29 of Narcotic Drugs & Psychotropic Substances Act.
2. The FIR was lodged on the basis of secret information received to the effect that one Ritik, who is a tenant in a shop situated in Old Sabji Mandi, Hisar and is doing the work of 'catering' was possessing some intoxicating substance in his shop. Pursuant to receipt of said information, a raid was

conducted and 2 bags containing 24.200 kilograms each of '*ganja patti*' were recovered from the shop in question. Subsequently upon arrest of said Ritik on 5.5.2021, he suffered a disclosure statement to the effect that the contraband allegedly recovered from his shop infact belongs to one Manthan. The said Manthan was also arrested on 5.5.2021 itself and who, upon interrogation, disclosed that he had procured the contraband from the petitioner Raju Tanwar @ Krelia.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that while he was in custody in connection with some other case, his arrest was effected on 1.7.2021 and has been implicated in the instant case. It has been submitted that no credibility can be attached to such like disclosure statement. It has been submitted that infact even in the said earlier case, in which he was in custody, he had not been arrested at the spot.
4. Opposing the petition, learned State counsel has submitted that since name of the petitioner specifically figures in the disclosure statement of co-accused, no case for grant of bail is made out. Learned State counsel has further submitted that the petitioner happens to be involved in one more case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested at the spot and no recovery was ever effected from him and infact he was in custody in connection with some other case when his arrest was effected and while also noticing that he has been nominated as an accused on the basis of a disclosure statement made by co-accused Manthan, who himself had been nominated on the basis of disclosure statement of another accused, the

veracity of such like disclosure statement would certainly be debatable. Since the challan is already stated to have been presented, this Court finds that 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.

22.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No