

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-33591 of 2020 (O&M)

Date of decision : January 05, 2021

Mohd. Shad

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sunil Panwar, Advocate, for the petitioner

Mr. Gaurav Jindal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

The present case was got registered on the basis of secret information received by the police that accused non-applicants Kulbinder Singh and Jagjit Singh were ferrying contraband and on the basis of which a naka was laid and from Swift Desire Car bearing HR-73-A-2730, two youngsters were apprehended from whose possession intoxicant tablets numbering 32,000 were recovered. It is on the basis of disclosure statement of the accused during interrogation they named one Satnam Singh as the person from whom the contraband was purchased and subsequently on 26.6.2020 name of the petitioner

cropped up being one of the persons associated in that trade.

Learned counsel for the petitioner inter-alia contends that neither the petitioner was named in the FIR nor any contraband as alleged to have been recovered and his name has been cropped up later on during the interrogation and that too in a subsequent second statement of the accused and that nothing is to be recovered from the petitioner.

On behalf of the State, the learned State counsel has strongly opposed the bail on the grounds of heinousness of the offence and the quantity of contraband alleged to have been recovered from the co-accused non-applicant.

Appreciating the submissions, admittedly nothing was recovered from the possession of the petitioner whose name has come up belatedly during second disclosure statement of the accused non-applicants Kulbinder Singh and Jagjit Singh. Recovery has already been effected and thus, a debatable issue arises over the trustworthiness of such a piece of evidence which could only be adjudicated at the trial. It would be travesty of justice to send the petitioner behind the bars.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join

the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

January 05, 2021
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No