

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

CRM-M-38602-2020 (O&M)
Date of Decision:- 12.2.2021

Karam Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Santokh 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. 131, dated 7.4.2020, Police Station Sadar, District Yamuna Nagar, under Sections 21(b), 22(b), 29 of NDPS Act.

2. It is the case of prosecution that pursuant to receipt of a secret information, one Moin Ali @ Moin Khan was apprehended who was found to be carrying 31400 tablets of 'Tramadol Hydrochloride'. It is further the case of prosecution that during the course of interrogation he suffered disclosure statement to the effect that the said contraband had been supplied to him by Mohd. Tokir @ Tokir and that the same was to be delivered to petitioner-Karam Singh.
3. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused on the basis of an alleged disclosure statement which would hardly carry any evidentiary value.
4. Opposing the petitioner, learned State counsel has submitted that since the co-accused has specifically named the petitioner, no case for grant of bail is made out. It has further been informed that the petitioner stands involved in one more case, registered under NDPS Act and Arms Act. It has however, been informed that the petitioner as on date has been behind bars for the last about 5 months.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never apprehended at the spot and has been nominated on the basis of disclosure statement made by co-accused to the effect that the contraband was to be delivered to him. The admissibility of the aforesaid disclosure statement would be debatable and so will be the fact as to whether the petitioner can be said to be attributed any kind of conscious possession of the contraband. The petitioner in any case has been behind bars since the last about 5 months. In these circumstances

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

February 12, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No