

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

CRM-M-43325-2021 (O&M)

Date of Decision:- 29.11.2021

Raju Tanwar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.340, dated 15.5.2021, Police Station Hisar Sadar, District Hisar, under Section 20 NDPS Act, Challan/Police report presented under Sections 20, 27(a) and 29 of NDPS Act.
2. The case of the prosecution, in nutshell, is that on 15.5.2021 one Raju Mukherjee was apprehended by the police while in possession of 84 kgs of 'Ganja'. It is further the case of prosecution that on 15.5.2021

said Raju Mukherjee suffered a disclosure statement and on the basis of which the petitioner-Raju Tanwar was arrested on 20.5.2021.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case on the basis of alleged disclosure statement which would not carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named by co-accused Raju Mukherjee from whose possession huge quantity of 'Ganja' had been recovered, his complicity is clearly evident. It has been informed that the petitioner as on date has been behind bars since the last about six and a half months and that he happens to be involved in one more case registered under NDPS Act. It has been informed that although charges have been framed, but none of the cited 11 PWs has been examined so far.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never ever apprehended at the spot and has been nominated as an accused on the basis of a disclosure statement, the admissibility and veracity of which would be debatable. Although, it has been informed by learned State counsel that the petitioner is involved in one more case under NDPS Act but the counsel for the petitioner has submitted that the said involvement was fabricated after he was taken in custody in the instant case. The petitioner in any case has been behind bars for a substantial period of six and a half months. Conclusion of trial is likely to consume time as not even a single PW out of the cited 11

PWs has been examined so far. 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.

29.11.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No