

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-44777-2021

Date of Decision: 22.11.2021

Monu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. V.B.Godara, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Ish Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.219 dated 20.06.2019 at Police Station Bhuna, District Fatehabad, under Section 21/27-A of the NDPS Act.
2. As per the case of the prosecution, one Jagdish @ Billa was apprehended by the Police and from whose possession 5 grams of 'heroin' was recovered. During interrogation, he disclosed that he had procured the said contraband from the petitioner – Monu.
3. Learned counsel for the petitioner has submitted that he has falsely been nominated as an accused in the instant case on the basis of a disclosure statement made by Jagdish, which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in 5 other cases and as such, does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 4 months and that challan already stands presented. It has also been informed that till date not even a single PW has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is a case of recovery of a 'small' quantity of contraband i.e. 5 grams of heroin from co-accused Jagdish @ Billa. The petitioner came to be nominated subsequently on the basis of a disclosure statement made by said Jagdish, the admissibility of veracity of which would be debatable. In any case, the petitioner has been behind bars for a substantial period of about 4 months and till date not even a single PW has been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

22.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**