

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

CRM-M-4297-2022 (O&M)

(1)	Jagdish	...Petitioner
	Versus	
	State of Haryana	...Respondent

(2)		CRM-M-26166-2021 (O&M)
	Meena	...Petitioner
	Versus	
	State of Haryana	...Respondent

(3)		CRM-M-26016-2022 (O&M)
	Parveen	...Petitioner
	Versus	
	State of Haryana	...Respondent

Date of Decision:- 15.7.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner in CRM-M-4297-2022,
and in CRM-M-26016-2022.

Mr. Rahul Jaswal, Advocate,
for the petitioner in CRM-M-26166-2021.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajbir.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Jagdish, Meena and Parveen seeking grant of regular bail in a case

registered vide FIR No. 232 dated 21.4.2021 under Sections 20 of the NDPS Act and Sections 34, 201, 216 IPC at Police Station Samalkha, District Panipat.

2. The FIR was lodged pursuant to receipt of secret information by ASI Rajbir Singh on 21.4.2021 that a young boy carrying a plastic bag filled with '*ganja patti*' was present near Village Karhans Turn, G.T. Road. Upon receipt of said information, the police proceeded to the nominated place from where a young boy was apprehended carrying a plastic bag. Upon inquiry, he disclosed his name as Sakil. The search of the bag carried by Sakil yielded recovery of 23 small packets, which were found to contain '*ganja patti*'. The total weight of the recovered '*ganja patti*' was found to be 29.465 kilograms (29 kilograms 465 grams).
3. It is the case of prosecution that upon interrogation of the aforesaid Sakil, he disclosed that about 28-29 days ago, his brother-in-law (Jija) Liyakat and Jamil had come to him and asked him to accompany them to Andhra Pradesh so as to bring '*ganja*' in a canter bearing registration No. HR-55Y-6123 of Khilari. The said persons told him that while Jamil would be driving the vehicle, Sakil would also drive the truck and get an amount of ₹32,000/- for the same. Sakil disclosed that accordingly he and Jamil went in the canter and brought '*ganja*'. It is the case of prosecution that pursuant to said information, aforesaid Jamil led the police party to the canter and got recovered 10 bags of '*ganja*' from the canter in question. It is further the case of prosecution that the truck in question was owned by Meena wife of Nehri and said Meena came to be arrested on 22.5.2021.

4. The disclosure statements of Sakil and Meena led to arrest of Jamil and Nehri. Upon arrest of Nehri, he disclosed the involvement of petitioner Jagdish and petitioner Parveen.
5. The learned counsel for the petitioner Meena has submitted that although the police claims that the truck in question is owned by Meena on the basis of an affidavit but the said fact is not true. It has been submitted that in any case, even if it is assumed that the affidavit is in the name of Meena, still there is no credible evidence to show that the petitioner Meena was hands in gloves with the remaining accused or had connived in any manner for the purpose of drug trafficking. It has been submitted that the husband of the petitioner Meena namely Nehri is also arrested as an accused and that the petitioner Meena has been involved simply in order to mount pressure upon co-accused Nehri. It has further been submitted that the petitioner Meena has been behind bars since the last more than 1 year and that she is not involved in any other case.
6. The learned counsel representing the petitioner Jagdish has submitted that neither any recovery was effected from him nor he was ever found at the spot and has been nominated as an accused on the basis of a disclosure statement made by co-accused Nehri. It has been submitted that the petitioner has been behind bars since the last about 1 year and has a clean record.
7. The learned counsel representing the petitioner Parveen has submitted that he is neither named in the FIR nor any recovery had ever been effected from him and has been nominated as an accused after about 8 months of the

recovery in question on the basis of disclosure statements allegedly made by Nehri and Meena to the effect that he had financed the procurement of the contraband by providing an amount of ₹ 1.25 lacs whereas such like disclosure statements would not carry any evidentiary value, especially when there is no evidence to establish payment of any such amount by the petitioner so as to finance the procurement of contraband.

8. The learned counsel for the petitioners have submitted that since several other co-accused including Arun Kumar, Raj Bhaj, Jamil have already been granted bail by this Court, the petitioners also deserve the same concession on grounds of parity.
9. On the other hand, the learned State counsel while opposing the petition, has submitted that the evidence collected during the course of investigation clearly establishes the complicity of the petitioners leaving no room for grant of bail. It has been submitted that the vehicle used for transporting the contraband belongs to the petitioner Meena and as such, her involvement is clearly made out. It has further been submitted that the names of the petitioners Jagdish and Parveen figured in the statements of co-accused and since petitioner Parveen had facilitated the commission of crime by financing the procurement of drugs, no case for grant of bail is made out. The learned State counsel has, however, not disputed that the petitioner Meena and Jagdish have been behind bars since the last about 1 year and the petitioner Parveen has been behind bars since the last about 6 months and that none of them is involved in any other case. It has also been informed that as on date no prosecution witness has been examined.

10. I have considered rival submissions addressed before this Court.
11. It is not in dispute that no recovery whatsoever was ever effected from any of the three petitioners. While petitioner Meena who is a lady is sought to be involved, being owner of the truck in question, although her husband is also arrayed as an accused, the petitioners Jagdish and Parveen are nominated on the basis of disclosure statements. The admissibility of the aforesaid evidence would be debatable and it is only if there is other credible evidence to connect the petitioners, the same could be said to be relevant. The petitioners have been behind bars for a substantial period and otherwise have a clean record. Conclusion of trial is likely to consume time inasmuch as no prosecution witness has been examined till date. In these circumstances, further detention of the petitioners would not be justified.
12. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
13. A photocopy of this order be placed on the file of connected cases.

15.7.2022

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No