

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

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CRM-M-7046-2022

Date of Decision: 22.04.2022

Jamil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kotla, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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.232 dated 21.04.2021 at Police Station Samalkha, Panipat, under Sections 20 of the NDPS Act and Sections 34/201/216 IPC.
2. The allegations in nutshell are that on 21.04.2021, one Shakil was apprehended by the Police while in possession of 29 Kgs. 465 grams of 'Ganja'. Upon his disclosure statement, another 296 Kgs. of 'Ganja' was also recovered from a truck (canter) belonging to one Meena. Pursuant to his disclosure statement, 8 more persons including the petitioner were nominated as an accused. It is further the case of the prosecution that 2 of the said co-accused namely Meena and Nehri also named the petitioner as an accused, who have stated that the petitioner had paid an amount of Rs.50,000/- to the main accused Shakil for transportation of 'Ganja'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that no recovery whatsoever was ever affected from him and that only allegation against him is that he had paid some amount for transportation of the contraband.
4. Opposing the petition, learned State counsel has submitted that the act of the petitioner in financing the transportation of the contraband would show his complicity and he would be liable by virtue of provisions of Section 29 of the NDPS Act. It has further been submitted that since the petitioner has been specifically named by the person from whom huge quantity of contraband was recovered, his complicity is clearly evident. It has further been submitted that during the course of investigation the investigating agency has collected call details record, which clearly shows that the petitioner was regularly in touch with the main accused as well as other co-accused. It has been submitted that the petitioner in order to make an attempt to destroy evidence, he has destroyed the SIM with the help of which he had been in touch with other co-accused. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 11 months and that he is not involved in any other case. It has also been informed that charges are yet to be framed and as many as 28 PWs have been cited.
5. I have considered rival submissions addressed before this Court.

6. It is not in dispute that the petitioner was never ever arrested at the spot and no recovery of contraband was ever affected from him and he came to be nominated on the basis of disclosure statement made by co-accused. The admissibility and veracity of such statement would be debatable. In any case, the petitioner has been behind bars since the last about 11 months. Conclusion of trial will take time inasmuch as the trial is yet to commence and as many as 28 PWs have been cited. 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.
7. It is clarified that this order shall enure offence under Section 29 of the NDPS Act as well.

22.04.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**