

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CRM-M-7916-2022

Date of Decision : March 02, 2022

Randeep Singh

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jitender Singh Dadwal, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.0009 dated 25.01.2021 registered under Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Jakhal, District Fatehabad.

Learned counsel for the petitioner argues that the petitioner has been roped in the present case only on the basis of the disclosure statement of co-accused Monu @ Monu Sharma @ Akash, from whom the contraband i.e. 7000 tablets of tramadol was recovered. Learned counsel for the petitioner submits that as of now, no material except the said disclosure statement has come on record and keeping in view the settled principle of

law as settled by Hon'ble Supreme of India in ***Criminal Appeal No. 152 of***

2013 titled as 'Tofan Singh Vs. State of Tamil Nadu', the disclosure statement carries no weight unless and until corroborating by independent material and as, nothing has come on record against the petitioner except the said disclosure statement of the co-accused or that of the petitioner, the petitioner may kindly be extended the concession of regular bail.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the instructions from ASI Harpal Singh, concedes the factum that the recovery of the contraband was done from the co-accused Monu @ Monu Sharma @ Akash and the petitioner was roped in the present case only on the basis of the disclosure statement of the said co-accused. It is further conceded by the learned counsel for the respondent-State that as of now, no material and the disclosure statement has come on record to implicate the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case where no banned drug has been recovered from the petitioner and the petitioner has been roped in the present case only on the basis of the disclosure statement of the co-accused, which statement is yet to be proved during the trial and no material apart from the said disclosure statement, has been brought to the notice of this Court as of now, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial as the trial is likely to take some time before it concludes keeping in

view the restricted working of the Courts due to the pandemic of Covid-19 especially when learned counsel for the petitioner has undertaken before this Court that in case, the petitioner is extended the concession of regular bail, he will not influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 02, 2022*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes