

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9723-2022 (O&M)
Date of decision: 29.03.2022

Jasraj

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Bishnoi, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.458 dated 25.12.2021 under Section 15 of NDPS Act and Section 29 of NDPS Act (added later on), registered at Police Station Dabwali Sadar, District Sirsa.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Data Ram, while on patrol duty, truck-tralla was stopped on suspicion. The driver told his name as Chamandeep Singh. After serving a notice under Section 50 of NDPS Act, his consent was taken and a Gazetted Officer was called at the spot. Thereafter, 5 bags of dodapost, each containing 16 kg, total 80 kag, was recovered. It is further submitted that after arrest of co-accused Chamandeep, the police recorded his disclosure

statement, in which it surfaced that same was supplied by the petitioner and thereafter, he was nominated in this case. It is also submitted that the petitioner is in custody for the last about 03 months; he is first offender and after his arrest, nothing incriminating was recovered from him indicating that he is involved in the business of narcotics. Learned counsel has relied upon a judgment of the Hon'ble Supreme Court in ***Tofan Singh Vs. State of Tamil Nadu, 2013(4) RCR (Criminal) 631***, to submit that it will be a debatable issue whether the disclosure statement made by co-accused will be admissible against the petitioner or not.

Learned State counsel, on the basis of custody certificate dated 28.03.2022, filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No