

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-24198-2021 (O&M)
Date of Decision:-31.10.2022

Harjeet Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parminder Singh Sekhon, 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 vide FIR No.25, dated 3.3.2021, Police Station Jakhal, District Fatehabad, under Sections 22-C of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 147, 149, 186, 224, 225, 332, 353, 379-B, 506 and 511 of Indian Penal Code.
2. As per the case of prosecution on 3.3.2021, when a police party headed by ASI Om Parkash was present near Railway Line, Bazigar Basti, Jakhal, then 2 young boys were noticed standing near a '*peepal*' tree, who upon noticing the police party, tried to flee away from the spot. However, the police was able to apprehend both of the said persons, who upon inquiry disclosed their names as Harjeet Singh and Jagsir @ Kala. The said boys, upon being apprehended, raised alarm and consequently several other persons from

nearby Bazigar Basti, Jakhal came at the spot and threatened the police party and also assaulted them. Harjeet Singh managed to escape from police custody. The bag being carried by the aforesaid two persons was found to contain 990 tablets of '*Tramadol*'.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that even as per the case of prosecution it is only co-accused Jagsir @ Kala, who was actually apprehended at the spot, whereas the petitioner is stated to have fled away from the spot. Learned counsel for the petitioner further submits another co-accused namely Surrender, who was nominated as an accused on the basis of disclosure statement made by co-accused Jagsir Singh @ Kala, has already been granted bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and 990 tablets of '*Tramadol*' were recovered when he alongwith co-accused Jagsir Singh @ Kala was initially apprehended by the police though later the petitioner managed to escape, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 1 year and 6 months and is otherwise not involved in any other case. It has been informed that as on date 1 PW out of the cited 20 PWs has been examined.
5. This Court has considered the rival submissions.
6. Having regard to the fact that the petitioner though stated to be apprehended by the police but later is stated to have escaped, the said version would be

rendered debatable. In any case, the petitioner has been behind bars since the last more than 1 year and 6 months and otherwise has a clean record. Another co-accused namely Surender, who was also arrested subsequently on the basis of disclosure statement, has already been granted bail. Conclusion of trial is likely to consume time as only 1 PW out of the cited 20 PWs has been examined so far.

7. The petition, as such, is accepted, 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.

31.10.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No