

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

CRM-M-26283-2021 (O&M)

Date of Decision: 22.04.2022

Parkash Chand @ Bire

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Arun Singla, 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.132 dated 14.05.2021 at Police Station Sadar Fatehabad, District Fatehabad, under Sections 15/27A/29 of the NDPS Act and Section 51(b) of the Disaster Management Act.
2. The allegations in nutshell are that on 14.05.2021, two persons i.e. Yakub and Angrej @ Geja were found in possession of 101 Kgs. of poppy-husk. It is further the case of the prosecution that during the course of interrogation, co-accused Yakub suffered a disclosure statement to the effect that he had procured the contraband from Parkash Chand – petitioner.
3. Learned counsel for the petitioner has submitted that he was never ever arrested at the spot and has been nominated subsequently on the basis of

a disclosure statement allegedly made by co-accused Yakub, which would hardly carry any evidentiary value.

4. Opposing the petition, learned State counsel has submitted that since it is the co-accused from whom a 'commercial' quantity of contraband was recovered, who has specifically nominated the petitioner as an accused and consequently the petitioner came to be arrested on the very next day of recovery, his complicity is clearly evident. It has further been submitted by the learned State counsel that the call details record collected by the investigating agency clearly shows that the petitioner was regularly in touch with co-accused Angrej prior to the date of recovery and even on the date of recovery as well, as would be evident from the call details record annexed with the reply as Annexure R/4. It has further been pointed out that the petitioner happens to be involved in 2 other cases under IPC, which would reflect on his antecedents. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 11 months.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that no recovery whatsoever was ever affected from the petitioner, who has been nominated on the basis of a disclosure statement made by co-accused Yakub. 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. Challan already stands presented. Conclusion of trial will take time inasmuch as the trial is yet to commence and as many as 24 PWs have been cited.

7. Having regard to the aforestated position, this Court finds that no useful purpose would be served by further detaining the petitioner behind bars. 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.

22.04.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**