

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

CRM-M-32618-2021 (O&M)

Date of Decision:- 07.7.2022

Surender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Darshan Singh.

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.25, dated 3.3.2021, Police Station Jakhal, District Fatehabad, under Sections 147, 149, 186, 224, 225, 332, 353, 379-B, 506, 511 of IPC and Section 22 (c) of NDPS Act (Section 27-A of NDPS Act added later on).
2. The case of the prosecution is that on 3.3.2021 when ASI Om Parkash along with other police officials was present in the area of railway line Bazigar Basti, Jakhal for the purpose of patrolling and checking, two young boys were standing near a Peepal tree while exchanging one heavy black coloured polythene bag. The said persons were apprehended on the basis of suspicion and upon inquiry

they disclosed their names as Jagsir and Harjit Ram. The said boys upon being apprehended started shouting and called a number of persons from the neighbouring Bazigar Basti Jakhal who upon coming at the spot scuffled with the police party and were able to free co-accused Harjit Ram. Though some of the police officials sustained injuries, but they were able to overpower Jagsir and to free from the spot. It is the case of prosecution that the black polythene bag carried by accused was searched in accordance with the provisions of law and was found to contain 990 tablets of 'Tramadol' total weighing 480 grams. It is further the case of prosecution that Harjit Ram who had escaped from the spot was later on arrested on 2.4.2021 and who initially made a disclosure statement that one Ramu had supplied the contraband and later on made another disclosure statement to the effect that it was the petitioner who had supplied the contraband.

3. Learned counsel for the petitioner has submitted that even as per the case of prosecution the petitioner was never ever present at the spot, but has later on been nominated on the basis of second disclosure statement made by co-accused Harjit Ram wherein it is disclosed that it is the petitioner who had supplied the contraband. Learned counsel has further submitted that the petitioner otherwise has a clean record and as such deserves the concession of bail since conclusion of trial is likely to consume time.
4. On the other hand, learned State counsel while opposing the petition has submitted that though the petitioner was not arrested at the spot

but his complicity is clearly evident from the fact that he was constantly in touch over phone with co-accused Harjit Ram who was found present at the spot. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last one year and that he otherwise has a clean record. It has been informed that although charges have been framed but none out of the cited 20 PWs has been examined so far.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner was not present at the spot and came to be nominated subsequently on the basis of second disclosure statement and infact in the first disclosure statement accused Harjit Ram had named one Ramu as the supplier. It is also not in dispute that the petitioner is not involved in any other case.
7. Keeping in view the aforestated facts and also that conclusion of trial is likely to consume time inasmuch as none out of the cited 20 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose. 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.

07.7.2022

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No