

216
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32100-2022

Date of Decision: 05.08.2022

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....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikram Rana, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 0157 dated 23.06.2022, under Sections 20, 61 and 85 of NDPS Act, registered at Police Station Badhra, District Charkhi Dadri.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 24.06.2022 and the name of the petitioner has been nominated on the basis of disclosure statement made by the co-accused who were caught alongwith 450 grams of charas and 4 Kg. 300 grams of ganja and the aforesaid quantity does not fall in the category of commercial quantity under the NDPS Act. He further submitted that there is no sufficient material available with the police to connect the petitioner with the present offence. He further submitted that earlier also

he was falsely implicated in a case pertaining to 450 grams of ganja which was also a non-commercial quantity and the name of the petitioner has been nominated on the basis of disclosure statement of the co-accused and that was the reason as to why he has been falsely implicated in the present case.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 24.06.2022 and the petitioner is not named in the FIR and he was nominated on the basis of disclosure statement of co-accused. On a query being asked to the learned State counsel as to whether there is any other sufficient material available with the police for connecting the petitioner with the present offence apart from the disclosure statement, no justifiable answer has come from the learned State counsel in this regard. Furthermore it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper evidence or may flee from justice.

I have heard the learned counsel for the parties.

The petitioner is in custody from 24.06.2022. The name of the petitioner has been nominated on the basis of the disclosure statement of co-accused. The confiscated quantity from the co-accused does not fall in the category of commercial quantity. There is no sufficient material available with the police at this stage to connect the petitioner with the present offence apart from the disclosure statement of the co-accused which is not admissible in evidence.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that the petitioner is entitled for the grant of regular bail.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.08.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No