

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

210

CRM-M-39784-2022

Date of Decision: 09.12.2022

Yusuf

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Alisha Soni, Advocate,
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana,
assisted by SI Satish Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.148 dated 08.05.2022 at Police Station Sector 13-17, Panipat, District Panipat, under Sections 20/29 of the NDPS Act.
2. The case of the prosecution is that on 08.05.2022, co-accused Furkan Tyagi was found in possession of 45 Kgs. of '*Ganja*'. It is further the case of the prosecution that during the course of interrogation, said Furkan Tyagi disclosed that the said contraband had been procured from the petitioner.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on the basis of a disclosure statement, the veracity and admissibility of which would be debatable. It has further been submitted that co-accused Furkan Tyagi has already been granted bail in terms of provisions of Section 167(2) Cr.P.C. It has further been

submitted that the petitioner otherwise has a clean record and is not involved in any other case.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by co-accused Furkan Tyangi, who was caught red-handed, his complicity is clearly evident. However, upon a query made by this Court, learned State counsel has informed that apart from the disclosure statement made by co-accused, there is no other evidence in the shape of call details record etc. to connect the petitioner with the alleged occurrence. Learned State counsel has also informed that the petitioner has been behind bars since the last about 7 months and that he is not involved in any other case.
5. This Court has considered rival submissions.
6. Admittedly, the petitioner was not arrested at the spot and has been nominated on the basis of a disclosure statement made by co-accused. The admissibility of such like statement will indeed be debatable. The petitioner otherwise has a clean record and has been behind bars since the last about 7 months. The trial has not even commenced and as many as 19 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. 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.

09.12.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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