

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

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(I) CRM-M-46926-2021 (O&M)

Suresh Kumar Vishwakarma ...Petitioner

Versus

State of Haryana. ...Respondent

(II) CRM-M-5121-2022 (O&M)

Alok Kumar ...Petitioner

Versus

State of Haryana ...Respondent

(III) CRM-15716-2022 (O&M)

Rajat @ Rajju ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 12.05.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner in CRM-M-46926-2021.

Mr. SPS Khaira, Advocate
for the petitioner in CRM-M-5121-2022.

Mr. Aditya Sanghi, Advocate
for the petitioner in CRM-M-15716-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Mange Ram.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of aforesaid three petitions filed on behalf of Suresh Kumar Vishwakarma, Alok Kumar and Rajat @ Rajju seeking grant of regular bail in respect of a case registered against them vide FIR No.370 dated 26.05.2021 at Police Station Hissar Sadar, District Hissar under Section 22(C) of the NDPS Act (Sections 27-A and 29 of NDPS Act, 1985 added later on).
2. The FIR in question was lodged on the basis of a secret information received by the Police to the effect that Amit Pal and Rajat indulge in sale of intoxicants. Upon receipt of said information, barricading was held and the aforesaid two persons i.e. Amit Pal son of Kulwinder and Rajat son of Pawan were apprehended by the police. Upon checking the plastic bags being carried by Amit Pal and Rajat, 14500 tablets and 29000 tablets of Celvidol-100 SR (Tramadol) respectively were recovered. It is further the case of prosecution that during the course of interrogation, the said persons disclosed that they had procured the said contraband from Alok. Consequently, Alok was arrested by the Police. Upon interrogation, Alok disclosed the names of Rajat son of Sunil Kumar as well as Suresh and stated that they were also associated in the racket.
3. Learned counsel representing the petitioners have submitted that none of them is named in the FIR and that they all have been nominated on the basis of disclosure statements made by other co-accused. It has also been submitted that since no recovery whatsoever was ever effected when the

aforesaid petitioners were arrested, it is apparent that they have falsely been implicated. It has also been submitted that petitioners are not involved in any other case.

4. On the other hand, learned State counsel submits that apart from disclosure statements made by the co-accused on the basis of which the petitioners were nominated, the police during investigation had collected scientific evidence in the shape of call details showing that Alok was regularly in touch with another co-accused Gulshan and that the police has collected Whatsapp chat exchanged between Alok and co-accused Suresh and that in these circumstances, the complicity of the petitioners is clearly evident. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 10-12 months and that none of them is involved in any other case previously. It has also been informed that although charges have been framed, but none out of cited 18 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is a case where all the three petitioners have been nominated as accused on the basis of disclosure statements made by other co-accused. The veracity and admissibility of such like statements would be debatable. In any case, the petitioners have been behind bars for a substantial period of about 10-12 months and otherwise have a clean record inasmuch as they are not involved in any other case previously. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and none out of cited 18 PWs has been examined. In these circumstances, further detention of the petitioners would not be justified. All the petitions, as such, are accepted and the

CRM-M-46926-2021 (O&M);
CRM-M-5121-2022 (O&M) and
CRM-M-15716-2022 (O&M)

petitioners are ordered to be released on regular bail on their furnishing
bail bonds/surety bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

7. A photocopy of this order be placed on all the connected files.

12.05.2022
Vimal

(GURVINDER SINGH GILL)
JUDGE

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