

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

251

CRM-M-45314-2022 (O&M)

Date of Decision: 05.12.2022

BALKAR

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.21 dated 16.01.2022, registered at Police Station Uklana, District Hisar, under Sections 20b(II)C of the NDPS Act.

Status report by way of an affidavit dated 30.11.2022 of the Deputy Superintendent of Police, Law and Order, Hisar, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner was not named in the FIR and has been indicted on the basis of the disclosure statement of the co-accused and that the petitioner has been in custody since 17.01.2022. He further submits that the only allegation against the petitioner is that he went all the way along with the co-accused to Orissa to purchase *Ganja*; that the alleged recovery, which is a commercial

quantity, was effected from the co-accused and that the petitioner has no role to play in the alleged occurrence. Still further, it is submitted that on a quarrel between the petitioner and others with some police officials, FIR No.263 dated 05.08.2021 was lodged and that the police official, in order to settle the score, has involved the petitioner in the present case.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that though the petitioner was not named in the FIR, yet in the disclosure statement of the co-accused, the petitioner has specifically been named and his role is duly reflected there. He further submits that the petitioner went to Orissa along with the co-accused for purchase of ganja and that recovery of 79.500 kg ganja was effected from the co-accused.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR and has been indicted on the basis of the disclosure statement of the co-accused. As per the learned counsel for the petitioner, though, the petitioner had accompanied the co-accused to Orissa, yet he has no role to play in the alleged recovery. The petitioner has been in custody since 17.01.2022. Prosecution evidence is yet to conclude. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the

present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

05.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No