

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

CRM-M-47589-2022 (O&M)
Date of Decision:-10.11.2022

Rahul Khan @ Khalid

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Sajjan Kumar.

GURVINDER SINGH GILL, J. (Oral)

CRM-41295-2022

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 3.3.2023 and is taken on board today.

CRM-M-47589-2022 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0052, dated 24.1.2022, Police Station Dabua, District Faridabad, under Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added lateron.

2. As per the case of prosecution, on 24.1.2022 a secret information was received by the police to the effect that one Rahul @ Monu was possessing intoxicant injections and was proceeding towards Village Pali. Pursuant to receipt of said information, the police was able to apprehend the aforesaid Rahul @ Monu and from whose possession 70 injections of 'Buprenorphine' were recovered. It is further the case of prosecution that during the course of interrogation of Rahul @ Monu, he nominated the petitioner to be his supplier.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that no sanctity can be attached to any disclosure statement particularly when the co-accused Rahul @ Monu, from whom the contraband was recovered, has been changing his stand w.r.t. his supplier. Learned counsel for the petitioner, in this regard, has drawn the attention of this Court to the disclosure statement dated 24.1.2022 (Annexure P-4) of Rahul @ Monu, wherein he disclosed that about 10-12 days prior to the day of recovery, he had met one Ballu Parshad, who had told him that he possessed some intoxicant injections and he could sell the same to him (Rahul @ Monu) and that Rahul @ Monu could fetch huge profit by further selling of the same.
4. Learned counsel for the petitioner has next drawn the attention of this Court to yet another disclosure statement dated 26.1.2022 (Annexure P-5) of Rahul @ Monu, wherein he named the petitioner to be his supplier.
5. Learned State counsel, while opposing the petition, has submitted that since the name of the petitioner specifically figures in the disclosure statement of Rahul @ Monu from whom huge quantity of intoxicant injections were

recovered, his complicity is clearly evident particularly keeping in view the fact that he had also been involved in another case of Narcotic Drugs and Psychotropic Substances Act on an earlier occasion. It has been informed that the petitioner has been behind bars since the last more than 10 months and that although charges have been framed but no PW has been examined till date.

6. This Court has considered the rival submissions.
7. It is not in dispute that no recovery whatsoever was ever effected from the petitioner, who has been nominated on the basis of a disclosure statement suffered by Rahul @ Monu from whom recovery had been effected. However, the aforesaid Rahul @ Monu did not name the petitioner to be supplier, when his disclosure statement was recorded at the first instance on 24.1.2022. It will be debatable as to whether the second disclosure statement can be given weightage and can be relied upon to hold the petitioner as a supplier. In any case, the petitioner has been behind bars for a substantial period of more than 10 months. Conclusion of trial is likely to consume time inasmuch the trial has not even commenced so far. In these circumstance, 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.

10.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No