

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

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CRM-M-73-2022

Date of Decision: 11.01.2022

Kishore Kanpal @ Kishor Kandhapan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ram Kumar Saini, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Dinesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.340 dated 15.05.2021 at Police Station Sadar, Hisar, under Section 20 of the NDPS Act (later on converted to Sections 20-C/27-A/29 of the NDPS Act).
2. The case of the prosecution, in nutshell, is that on 15.05.2021 one Raju Mukherjee was apprehended by the police while in possession of 84 kgs. of 'Ganja'. It is further the case of prosecution that on 15.05.2021 said Raju Mukherjee suffered a disclosure statement and on the basis of which Raju Tanwar was arrested on 20.05.2021. It is further the case of the prosecution that said Raju Tanwar upon interrogation suffered a disclosure

statement to the effect that he had procured the contraband from the petitioner – Kishore Kanpal. Consequently, the petitioner was arrested on 25.05.2021.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and came to be nominated on the basis of a disclosure statement of one Raju Tanwar, who himself had been nominated on the basis of a disclosure statement made by Raju Mukherjee, who had been found in possession of 84 kgs. of '*Ganja*'.
4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be nominated on the basis of a disclosure statement of co-accused, he does not deserve to be released on bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 7 months and that he is involved in one more case under the NDPS Act. It has further been informed that till date no PW out of cited 11 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never arrested at the spot and came to be nominated on the basis of a disclosure statement of Raju Tanwar, who himself had been nominated on the basis of a disclosure statement of Raju Mukherjee. The evidentiary value of such like disclosure statements would be debatable. Conclusion of trial is likely to consume time, as none of the cited 11 PWs has been examined so far. The petitioner in any case has been behind

bars since the last more than 7 months. In these circumstances, 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.

11.01.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**