

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-8808-2023

Date of Decision:-23.02.2023

Narender Singh.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondents.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Tushar Gera, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.642 dated 29.11.2022 under Sections 21(b), 61, 85 of NDPS Act, 1985 and Section 27(A) of the NDPS Act added later on registered at Police Station City Fatehabad, District Fatehabad (Haryana).

2. The brief facts of the case are that one Ashok came to be apprehended while having 09 grams 80mgs of Heroin in his possession. Subsequently his disclosure statement was recorded wherein he stated that the said contraband had been purchased from the present petitioner.

3. The Counsel for the petitioner contends that the petitioner is named in the disclosure statement of his co-accused which has no evidentiary value. Reliance is placed on the judgments in *Tofan Singh*

Versus State of Tamil Nadu, 2020 AIR (Supreme Court) 5592, Rakesh Kumar Singla Versus Union of India, 2021(1) RCR (Criminal) 704, Surinder Kumar Khanna Versus Intelligence Officer Directorate of Revenue Intelligence, 2018(3) RCR (Criminal) 954 and State by (NCB) Bengaluru Versus Pallulabid Ahmad Arimutta & Anr. 2022(1) RCR (Criminal) 762. He further contends that the petitioner was entitled to the

concession of bail as no recovery whatsoever has been effected from him and none of the 16 prosecution witnesses have been examined so far.

4. The learned counsel for the State on the other hand contends that the serious nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. However, he does not deny the fact that the petitioner is named in a disclosure statement and no recovery has been effected from him.

5. I have heard the learned counsel for the parties.

6. The evidentiary value of the disclosure statement of the co-accused shall be a matter of adjudication during a trial. Admittedly, the petitioner is in custody since 15.12.2022. None of the 16 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As such the further incarceration of the petitioner is not required, more so when the recovery is of non commercial quantity of contraband from the arrested accused.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Narender Singh** son of Sh. Vijay Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned

on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 23, 2023

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>