

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11532-2023

Date of Decision: 16.3.2023

Gobind

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0351 dated 17.5.2022 registered for the offences punishable under Sections 20, 20C, 29 of NDPS Act at Police Station City Hansi, District Hisar.

The allegations in nutshell are that the police apprehended co-accused Vikas, Nasib and Jasbir while they were travelling in a Verna car on 17.5.2022 and 101 kg 700 grams of *ganja* was recovered from their possession by the police. The aforesaid three accused disclosed that even the present petitioner namely Gobind @ Govind and Dinesh were also involved in drug trafficking along with them. Consequently, the petitioner was named as accused and arrested on 17.5.2022.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case and is having no criminal antecedents under NDPS Act and is presently lodged in judicial custody and the trial is not progressing ahead. He further submits that the petitioner has been named as accused only on the basis of the disclosures made by co-accused Vikas, Nasib and Jasbir and the veracity of the said disclosures will be tested during the trial but it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

Present petition is opposed by the State counsel who submits that initially, Vikas, Nasib and Jasbir were apprehended by the police along with 101 kg 700 grams of *ganja* and on the basis of the disclosure made by them, the petitioner is also named as accused and thereafter, arrested on 17.5.2022. State counsel further apprised the Court that during investigation, no contraband was recovered from the possession of the petitioner and after completion of investigation, the police has presented the challan and charges are also framed but till date, no prosecution witness has been examined.

I have considered the submissions made by the counsel for the parties.

In the instant case, commercial quantity of *ganja* is stated to have been recovered from the possession of co-accused Vikas, Nasib and Jasbir who were apprehended by the police on 17.5.2022 while they were travelling in a car driven by aforesaid Vikas. The petitioner has been named as accused on the basis of the disclosure made by aforesaid Vikas, Nasib and Jasbir. No other evidence in the shape of call detail records or location of mobile phones has been collected by the police during the investigation

to connect the petitioner with the aforesaid recovery of commercial quantity of contraband from his three co-accused namely Vikas, Nasib and Jasbir. Admittedly, the petitioner was arrested on 17.5.2022 but no contraband was recovered from his possession during the investigation which already stands completed and now challan has been presented and charges are also framed but trial is at its initial stage as till date, no prosecution witness has been examined. Relevance and veracity of the disclosure, if any, made by co-accused against the present petitioner is subject matter of trial and presently, the petitioner is lodged in judicial custody and is having no criminal history under NDPS Act.

In view of above, no useful purpose is going to be served by prolonging the judicial custody of the petitioner.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 16, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No