

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12378-2023

Date of Decision: 5.5.2023

Gobind Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Garvit Mittal, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, 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.117 dated 27.6.2022 registered for the offences punishable under Sections 15, 29 of NDPS Act and Sections 279, 336 and 427 of IPC at Police Station Naggal, District Ambala.

2. The allegations in nutshell are that on receiving information regarding road side accident, the police reached the spot where a private bus was found to be involved in the accident with car bearing No.HR05-M-0098. There was no occupant in the car. During search of the car, 151 kg. 180 grams of poppy husk was recovered from 8 plastic sacks. During investigation, it was found that the said car was owned by Jaskaran Singh and thereafter, petitioner-Gobind Singh was also named as accused on the basis of the disclosure statement made by co-accused. The petitioner was arrested on 5.11.2022.

3. Counsel for the petitioner submits that the petitioner has nothing to do with the aforesaid recovery which was effected from car No.HR05-M-0098 which was involved in motor vehicle accident on 26.6.2022. He further submits that as per prosecution, the petitioner was named as accused on the basis of the disclosure statement of co-accused. He further submits that the evidentiary value and veracity of the said disclosure statement will be tested during trial and that the petitioner is in custody for the last more than 5 months and is having no criminal history and further, after completion of investigation, the police has presented the challan but charges are yet to be framed and it will take considerable time for the trial to conclude.

4. Counsel for the petitioner further submits that no purpose is going to be served by prolonging the judicial custody of the petitioner.

5. Present petition is resisted by the State counsel who submits that in the instant case, recovery of 151 kg. 180 grams of poppy husk was effected from car No.HR05-M-0098 which was involved in an accident; that during investigation, it was found that the said car was owned by Jaskaran Singh and even the petitioner was also named as accused on the basis of the disclosure statement made by co-accused. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 5 months and is having no criminal antecedents and that the trial is yet to commence.

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

7. Admittedly, the petitioner was not named in the FIR and the alleged recovery of poppy husk was effected from one car which was

involved in an accident and later on, it was found to be owned by one Jaskaran Singh and the petitioner was named as accused on the basis of the disclosure statement made by co-accused. Relevance and admissibility of the said disclosure statement will be examined during trial. The petitioner is in custody for the last more than 5 months and during investigation, no contraband was recovered from his possession and the petitioner is having no criminal history. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

8. In view of the above, 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

May 5, 2023
Paritosh Kumar

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