

CRM-M-12804-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12804-2023

Date of decision: 24.08.2023

SANDEEP KUMAR DANGI

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Partap Singh, Advocate and
Mr. Gaurav Jangra, Advocate,
for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition, the petitioner seeks regular bail in case FIR No.137 dated 14.06.2021, registered at Police Station Guhla, District Kaithal, under Sections 18(b) and Sections 27-A and 29 (added later on) NDPS Act.

2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was not arrested at the spot, but has been indicted on the disclosure statement of the co-accused, and that no recovery of contraband was effected from the petitioner, rather recovery of Rs.22,000/- had been planted upon him. It is further submitted that the petitioner has been in custody since 19.06.2021; that two co-accused have since been granted the concession of bail and that out of 36 prosecution witnesses, only 02 witnesses have been examined till

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date. So far as three other cases registered against the petitioner, under the NDPS Act, are concerned, no recovery of contraband was effected from him and he was indicted on the disclosure statements of the co-accused therein. However, recovery of Rs.8,23,000/- had allegedly been effected from the petitioner in FIR No.354, under Sections 18(b), 27-A and 32 NDPS Act, P.S.Chatra Sadar. However in two cases registered under the provisions of the Indian Penal Code, the petitioner has been bailed out.

3. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that recovery of Rs.22,000/- had been effected from the petitioner; that the petitioner is a habitual offender and that material prosecution witnesses are yet to be examined. However, it is not disputed that no recovery of contraband had been effected from the petitioner.

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

5. Indisputably, the petitioner was not arrested the spot, but has been indicted on the disclosure statement of the co-accused. Furthermore, no recovery of contraband was effected from the petitioner. Only an amount of Rs.22,000/- was recovered from him.

6. The petitioner has been in custody since 19.06.2021. As many as 34 prosecution witnesses are yet to be examined. As pointed out above, two co-accused have since been bailed out. So far as three other cases registered against the petitioner, under the NDPS Act, are concerned, he was not named, rather indicted on the disclosure statements of the co-accused therein and furthermore, no recovery of contraband had been effected from him.

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7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

24.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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