

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

(219)

**CRM-M-23739 of 2023
DATE OF DECISION:-16.05.2023**

Sukhjinder Singh @ Sukha Bikaneri alias Raju

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. C. M. Munjal, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.152 dated 21.04.2020 registered under Sections 15, 29, 27-A, 61 and 95 of NDPS Act, 1985 and Sections 379, 411 and 472 of IPC at Police Station City Mandi Dabwali, District Sirsa.

(2) In the present case, learned counsel for the petitioner submits that the petitioner was arrested on the basis of disclosure dated 04.10.2022, made by co-accused namely Deep Singh @ Babbi and Ram Chander @ Ram who was not even apprehended at the spot. He further submits that there is no other case of similar nature pending against the petitioner who is young man of 41 years of age and was implicated in the present FIR after more than two and half year of registration of FIR in question.

(3) On the other hand, learned State counsel vehemently opposes the prayer made herein while referring to the huge recovery of 518 Kg of poppy straw from the co-accused.

(4) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the

petitioner.

(5) In the present case, petitioner was never named in the FIR but was named on the disclosure made by co-accused after more than two and half years of registration of FIR. Petitioner has already suffered incarceration for a period of 6 months and there is no other case of similar nature pending against him. As per disclosure made by co-accused, petitioner was instrument in purchase of the recovered contraband. The evidentiary value of the disclosure made by the co-accused in the absence of any recovery having been effected from the petitioner is to be scrutinized during trial, thus, the petitioner deserves the concession of regular bail.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

16.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No