

CRM-M-27369 of 2022

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

CRM-M-27369 of 2022
Date of decision: 17.01.2023

Vijay

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.
Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.48 dated 06.04.2021 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ding, District Sirsa.

As per FIR on 06.04.2021, a police party headed by ASI Rajbir Singh apprehended co-accused Gurpreet Singh, Shrawan Singh alias Kala and Tarsem Singh when they came in i20 Car No.HR-94- A/9777 driven by accused Gurpreet Singh, near Rashobha College, Hisar Road, in the area of village Moriwala. On search of car, a blue plastic bag was found placed on the rear seat of the car which was containing 24 cartons of Tramadol Hydrochloride Tablet 100 Mg Clovidol 100 SR, having 10 strips each, total 240 strips. Each strip was containing 50 tablets. Thus, total 12000 Tramadol Hydrochloride Tablet 100 Mg Clovidol 100 SR were recovered, which were

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drugs under the NDPS Act. The recovered tablets and the car were taken into possession. On inquiry, the accused disclosed that present petitioner Vijay and co-accused Karan Singh were doing the business of sale and purchase of intoxicating tablets with them jointly and they have brought the same after purchasing the same from Krishan, resident of Saharan Hotel, Narwana. The present petitioner was arrested on 23.04.2022.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He has been indicted in the present case on the basis of disclosure statement of co-accused Gurpreet Singh, who was apprehended with co-accused Shrawan Singh alias Kala and Tarsem Singh at the spot and recovery of 12000 Tramadol Hydrochloride Tablets was effected from their car. He submits that disclosure statement has no evidentiary value. He further submits that petitioner has no connection with the co-accused arrested at the spot. He further submits that apart from disclosure statement, there is no other linking evidence except the confession of the petitioner before the police, which too is not admissible in evidence. No recovery has been effected from the petitioner. He further submits that co-accused, namely Karan Singh, who was also nominated as an accused along with the petitioner on the disclosure statement of co-accused has been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 28.04.2021 and he was directed to join the investigation and the said interim order was confirmed vide order dated 09.08.2021 passed in CRM-M-17791 of 2021 – Karan Singh v. State of Haryana. Learned counsel further submits that investigation in the present case is complete; challan has been

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presented; charges have been framed and three witnesses out of total 17 prosecution witnesses have been examined and the case is now fixed before the trial Court on 24.03.2023 i.e. for the last about eight months. He submits that petitioner is in custody since 23.04.2022. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel on the basis of status report dated 04.11.2022 submits that recovery effected from the co-accused is commercial in nature. However, she could not point out any linking evidence in the present case except the disclosure statement of the co-accused and confessional statement of the petitioner before the police. It has also not been disputed that another co-accused Karan Singh, who has been nominated along with the petitioner, has been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court and the petitioner is at parity with co-accused Karan Singh.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is about eight months; co-accused Karan Singh has already been granted the concession of anticipatory bail; there is no linking evidence except the disclosure statement of the co-accused and confessional statement of the petitioner before the police; investigation is complete; challan has been presented; charges have been framed and out of 17 witnesses, three prosecution witnesses have been examined; no recovery has been effected from the petitioner; petitioner is not involved in any other case and trial is

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likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

17.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No