

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-27766-2023

Date of decision: 02.06.2023

Pardeep @ Pardeep Kumar @ Kali

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.01 dated 01.01.2021 under Sections 21(b)/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Bhuna, District Fatehabad.

2. While drawing the attention of this Court to the FIR in question which was registered pursuant to a secret information received, learned counsel for the petitioner submits that a perusal of the same clearly reveals that the petitioner was not named therein. It has been further submitted that the petitioner came to be nominated as an accused on the basis of a disclosure statement suffered by co-accused Satpal @ Madu who was apprehended at the spot along with 09 grams of heroin. Learned counsel submits that the evidentiary value of the disclosure statement is admittedly of a weak nature. It has also been submitted that investigation is complete as supplementary challan

stands presented qua the petitioner and the trial shall take considerable time to conclude as charges are yet to be framed.

3. Per contra, learned State counsel has, however, opposed the prayer made by the learned counsel for the petitioner by submitting, on instructions from ASI Ranvir Singh, that as per the disclosure statement suffered by co-accused Satpal @ Madu he had categorically stated that the recovered contraband had been procured by him from the petitioner. Learned State counsel has submitted that thereafter the petitioner evaded his arrest and it was as recently as on 16.01.2023 that he could be arrested.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he, on instructions as apprised the Court that the petitioner is not involved in any other criminal case much less a case under the NDPS Act.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner came to be nominated pursuant to a disclosure statement made by co-accused Satpal @ Madu from whom the alleged recovery was effected. Admittedly, no recovery of any contraband was effected from the petitioner and still further he is not involved in any other criminal case much less under the NDPS Act. The trial is unlikely to conclude in the near future as 18 prosecution witnesses have been cited who are yet to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner

be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

02.06.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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