

2023:PHHC:124332

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

219

CRM M-45334 of 2023  
Date of Decision: 21.09.2023

Jujhar Singh ...Petitioner

Vs.

State of Haryana ...Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Charanpal Singh Bagri, Advocate  
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 573 dated 16.08.2023 under Sections 18, 27-A, 29-61-85 of NDPS Act registered at Police Station Sadar Thanesar, District Kurukshetra.

2. As per the of the prosecution, at about 06 p.m., on 16.08.2023, police team headed by Mandeep Singh, Inspector was present in the Pipli Kurukshetra bridge in search of suspected persons and received a secret information that the truck driver of the vehicle bearing registration No. PB-11-CN-625 was carrying the contraband. On getting the information, the barricade was set up on the highway and at about 6.25 p.m., a truck was seen coming from the side of Karnal. The truck was stopped and the name and address of the driver was disclosed as Yashpal son of Ammi Chand, resident of House No.

1068, Jagdeesh Colony, Ward No. 4, Old Rajpura, District Patiala, Punjab. After following the due process, the recovery of 20 kgs and 800 gms of opium was effected from Yashpal, truck driver.

3. Learned counsel for the petitioner submits that the petitioner has not been named in the present case and has been falsely involved on the basis of the disclosure statement suffered by the co-accused Yashpal. Learned counsel further submits that the genuineness of the said statement is yet to be adjudicated upon by the trial Court during the course of the trial. Learned counsel further contends that he was arrested in the present case on 18.08.2023 and no recovery was effected from him. While referring to the medical record (Annexure P-4), learned counsel submits that the present petitioner is suffering from heart disease and is not maintaining good health.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the recovery of the contraband from the co-accused was commercial in nature and the petitioner had provided Rs. 2,75,000/- to the co-accused in the present case.

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

6. In the present case, the petitioner was not named in the FIR nor he was arrested at the spot. The only incriminating evidence, at this stage, against him is the statement suffered by the co-accused

in police custody and the admissibility of the said statement is yet to be adjudicated by the trial Court. Even no recovery was effected from him and it is apparent from the medical record (Annexure P-4) that he is not maintaining good health.

7. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

21.09.2023

( N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No