

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

209

CRM-M-52713-2022
DECIDED ON: 16.02.2023

Hasib Khan @ Hasib

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Sanya Kaushal and Mr.Davneet Sangwan, Advocates,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J (ORAL)

The petitioner is seeking concession of bail under Section 439 Cr.P.C in a case FIR No.106 dated 02.03.2022 under Section 21 c and 29 of NDPS Act, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on the basis of alleged disclosure statement made by co-accused Aamir Khan from whom, the alleged recovery of 310 gms of *smack* was effected. Learned counsel submits that the evidentiary value of such disclosure statement is of weak nature and on this ground itself the petitioner deserves the concession of bail. It has been urged that since the

petitioner has been in custody for almost 5 months having been arrested on 16.09.2022 and even charges have not been framed, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel opposed the prayer and submissions made by the counsel opposite. He, on instructions, has submitted that no doubt the petitioner was nominated as an accused pursuant to the disclosure statement made by co-accused Aamir Khan, from whom the alleged recovery was effected, however, the accused Aamir Khan had categorically stated that the recovered contraband had been purchased by him from the petitioner. Learned counsel submits that since the petitioner is involved in two other cases under the NDPS Act, the disclosure statement made by the co-accused Aamir Khan nominating the petitioner cannot be discarded.

I have heard the learned counsel and perused the relevant material available on record.

Prima facie there are allegations against the petitioner of having sold the contraband to co-accused Aamir Khan. In addition, the petitioner is a man of criminal antecedents as he is involved in two other cases under NDPS Act.

In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the concession of bail.

Dismissed.

However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.02.2023

mamta

(MANJARI NEHRU KAUL)
JUDGE

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