

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-55728-2022

Date of Decision: 28.3.2023

Babulal Khemandu alias Babu Lal Khemandu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0351 dated 17.5.2022 registered for the offences punishable under Sections 20, 20-C, 29 of NDPS Act at Police Station City Hansi, District Hisar.

The allegations in nutshell are that the police arrested co-accused Vikas, Nasib and Jasbir while they were travelling in a Verna car on 17.5.2022 and 101 kg 700 grams of *ganja* was recovered from their possession by the police. Said three accused disclosed that even the present petitioner, Dinesh and Gobind @ Govind were also involved in the drug trafficking along with them. Consequently, the petitioner was named as accused and arrested on 23.5.2022.

Counsel for the petitioner submits that the petitioner has been

falsely implicated in this case and is having no criminal history and that the trial is not progressing ahead. It is further submitted that the petitioner has been named as accused only on the basis of the disclosure made by co-accused Vikas, Nasib and Jasbir and relevance and admissibility of the said disclosure is subject matter of the trial but it will take considerable time for the trial to conclude. He further submits that similarly situated co-accused Gobind is already granted concession of regular bail by this Court vide order dated 16.3.2023 in CRM-M-11532-2023. Copy of the said order is taken on record.

Present petition is opposed by the State counsel who submits that initially, Vikas, Nasib and Jasbir apprehended by the police along with 101 kg. 700 grams of *ganja* and on the basis of the disclosure made by them, the petitioner was named as accused and arrested on 23.5.2022. He further submits that during investigation, ₹ 2200/- were recovered from the possession of the present petitioner but no contraband was recovered at his instance. He further submits that on completion of investigation, challan has been presented but till date, no prosecution witness has been examined.

I have considered the submissions made by the counsel for the parties.

In the instant case, commercial quantity of *ganja* is stated to have been recovered from possession of co-accused Vikas, Nasib and Jasbir who were apprehended by the police on 17.5.2022. The petitioner has been named as accused on the basis of the disclosure made by aforesaid 3 accused persons. No other evidence in the shape of call detail record or location of mobile phones has been collected by the police during investigation to connect the petitioner with the aforesaid recovery of

commercial quantity of contraband which is effected from the car in which co-accused Vikas, Nasib and Jasbir were travelling.

Admittedly, no contraband has been recovered from the possession of the petitioner and after completion of investigation, the police has presented the challan and charges are also framed but till date, no prosecution witness has been examined. Relevance and veracity of the disclosure, if any, made by co-accused against the present petitioner will be tested during trial. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 28, 2023
Paritosh Kumar

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