

TEJVINDER SINGH ALIAS BINNNI

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S. Jattan, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

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.376 dated 01.07.2023 registered for the offences punishable under Sections 21, 27A, 29, 61 and 85 of NDPS Act at Police Station City Ambala, District Ambala.

2. The allegations in nutshell are that police received secret information on 01.07.2023 against co-accused Ravinder Kumar @ Ravi and then said Ravinder Kumar was apprehended by the police and recovery of 268 grams of heroin was effected from his car No. HR-37-E-6563 and thereafter petitioner was nominated as accused on the basis of the disclosure statement made by aforesaid Ravinder Kumar to the effect that petitioner gave Rs.1,00,000/- to him for purchase of 100 gram of heroin. Petitioner was arrested in the present case on 07.07.2023. During investigation, no incriminating article or contraband was recovered from

possession of the petitioner.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused and the admissibility of the said disclosure statement is subject matter of trial. It is further submitted that petitioner is in custody for the last more than 8 months and is on bail in all the other criminal cases. It is further submitted that no contraband or drug money was recovered from the conscious possession of the petitioner and that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. The State counsel on instructions from SI Mem Singh submits that the name of the petitioner surfaced in the disclosure statement made by co-accused Ravinder Kumar from whom police recovered 268 grams of heroin. However, the State counsel has not disputed the fact that petitioner was arrested on 07.07.2023 and no contraband was recovered from conscious possession of petitioner and that after completion of investigation, challan stands presented but till date prosecution has not examined any witness.

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

6. Admittedly, the petitioner was not named in the FIR and was later on nominated as accused on the basis of disclosure statement of co-accused Ravinder Kumar from whom police recovered commercial quantity of heroin on 01.07.2023. Thereafter petitioner was arrested on 07.07.2023 and during investigation, no contraband was recovered from possession of the petitioner who is in custody for last more than 8 months. The disclosure statement made by co-accused Ravinder Kumar

against the present petitioner will be tested during trial. It will take time

for the trial to conclude. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. 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.

19.03.2024

Priyanka Thakur

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

(KARAMJIT SINGH)
JUDGE