

RAVINDER

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Tanu Priya Singh, Advocate for the petitioners.

Mr. Gurbir Singh Dhillon, AAG Haryana.

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SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No. 61 dated 26.03.2023, registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Later on Section 27A, 29 of NDPS Act has been added), at Police Station Dujana, District Jhajjar.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant FIR and that his name has cropped up in the 2nd disclosure statement and thereafter nominated as an accused in the instant FIR as per the disclosure statement made by the co-accused Badri Miyan, who seems to have made improvement and also disputed the signatures of ASI Surrender and the co-accused Badri Miyan which differs from the earlier disclosure statement.
3. It is also the assertion on behalf of the petitioner that no recovery whatsoever has been effected from the possession of the petitioner and further places reliance upon the judgment rendered by the Apex Court in **Lohit Kaushal Vs. State of Haryana, (2009) 17 SCC 106**, wherein the

Apex Court observed that the disclosure statement is a weak piece of evidence and the admissibility of the same would be debatable point to be determined by the trial Court during the course of trial.

4. Custody certificate has been produced by the learned State counsel, who could not controvert the fact that no recovery has been effected from the possession of the petitioner and has been nominated as an accused upon the 2nd disclosure statement. According to the custody certificate, the petitioner has been behind the bars for 9 months and 18 days and involved in another FIR No. 946 dated 16.09.2015 under Sections 323, 325, 506 and 34 IPC Police Station Jhajjar, wherein he is on bail.

5. Be that as it may, considering the totality of facts and circumstances involved in the instant case and the assertions made therein, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned, particularly, in the light of the fact that after completion of the investigation and presentation of challan on 20.09.2003, the charges are yet to be framed, meaning thereby trial will take long time for which the petitioner cannot be detained behind the bars for indefinite period.

6. The present petition is, hereby, allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.01.2024

Janki

**(SANDEEP MOUDGIL)
JUDGE**

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