

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3542-2024
Decided on : 23.04.2024

Harvel Singh @ Harvir

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satnam S. Gill, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.287 dated 15.05.2023 under Sections 15 and 29 of NDPS Act, 1985 and Sections 186, 353, 336 and 427 IPC registered at Police Station Sadar Bhiwani District Bhiwani.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been arrayed as an accused on the basis of disclosure statement allegedly suffered by co-accused Jagdish from whom the recovery of 68 kgs of poppy husk was affected. Learned counsel submits that in his disclosure statement co-accused Jagdish stated that the recovered contraband was to be supplied to the petitioner. Learned counsel further submits that the disclosure

statement on the basis of which petitioner has been nominated as an accused does not have much evidentiary value. It has also been submitted that when the petitioner was arrested on 10.10.2023, no recovery of any contraband much less poppy husk was affected from him. Learned counsel has, thus, prayed for being enlarged on bail as the only role attributed to the petitioner is of being a prospective buyer, which is not supported by any other evidence except for the disclosure statement made by the co-accused.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Dashrath, has not disputed that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Jagdish. Learned State counsel on further instructions has also not disputed the contents of the disclosure statement qua the petitioner.

4. On a pointed query put to the learned State counsel, he on instructions has informed the Court that the investigation in the case in hand is complete as challan stands presented and also charges framed.

He, on further instructions, informed the Court that the prosecution evidence is due to commence today before the trial Court with as many as 16 witnesses cited by the prosecution. Learned State counsel has still further submitted that the petitioner has been previously involved in seven criminal cases including

under the NDPS Act.

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

6. In the facts and circumstances as enumerated hereinabove and considering the alleged attribution to the petitioner in the crime in question and that too on the basis of a disclosure statement allegedly suffered by the co-accused Jagdish, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

23.04.2024
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(MANJARI NEHRU KAUL)
JUDGE

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