

S. No.225

2024:PHHC:044127

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7866 of 2024 (O&M)

Date of Decision:02.04.2024

Jony alias Jonny Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Keshav Pratap Singh, Advocate and
Mr. Sarfraz Gill, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.401 dated 27.07.2023 registered under Sections 22-C/27-A/29 (Act No.61 of 1985) at Police Station Sadar Fatehabad, District Fatehabad.

Status report by way of an affidavit of Shri Kulwant Singh, HPS, Deputy Superintendent of Police, Fatehabad, District Fatehabad has been filed on behalf of the respondent- State, along with the custody certificate.

As per prosecution allegations, 3,000 tablets containing salt of Alprazolam weighing 529 grams were recovered from the gear box of the car which was being driven by co-accused Chander Pal . It is alleged that said co-accused Chander Pal nominated one Aditya Bansal to be the supplier. After his arrest, said co-accused Aditya Bansal further nominated the petitioner to be the supplier.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused – Aditya Bansal; that said Aditya Bansal has already been allowed bail by this

Court vide order dated 20.12.2023 passed in CRM-M-47768 of 2023, copy of which is Annexure P.11.

Learned counsel for the petitioner also contends that no recovery has been effected from the petitioner and that the disclosure statement of the co-accused is inadmissible in evidence.

Learned State Counsel could not refute the afore-said contentions.

On instructions from ASI Ajit Singh, it is submitted by learned State Counsel that the only evidence against the petitioner in this case is the disclosure statement of the co-accused and that no recovery has been effected from the petitioner.

Co-accused Aditya Bansal, on whose disclosure statement, petitioner has been arrested, has already been allowed bail vide Annexure P.11. Petitioner is in custody for the last 07 months and 15 days as per the custody certificate placed on record, though he is involved in one more case.

Having regard to all the afore-said facts and circumstances of the case, particularly role attributed to the petitioner and the nature of evidence collected against him but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

April 02, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No