

In The High Court for the States of Punjab and Haryana  
At Chandigarh

(I)

CRM-M-11272-2023 (O&M)  
Date of Decision:- 07.02.2024

Sanjay Yadav

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-5901-2023 (O&M)

Ajit Kumar Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bikramjit Singh Baath, Advocate, for the petitioner in CRM-M-11272-2023.

Mr. Manu Rattan, Advocate, for the petitioner in CRM-M-5901-2023.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Kamal Chaudhary, Advocate, for the complainant.

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| FIR NO. | DATE       | POLICE STATION                     | OFFENCES                                            |
|---------|------------|------------------------------------|-----------------------------------------------------|
| 0257    | 28.05.2022 | City Bahadurgarh, District Jhajjar | 420, 483, 201 IPC and Sections 20/25/29 of NDPS Act |

**GURVINDER SINGH GILL, J.** (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Sanjay Yadav and Ajit Kumar Singh, seek grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged on the basis of secret information received by the police to the effect that one Varinder @ Kala indulges in sale of contraband and that on the given day he was proceeding from Delhi to Bahadurgarh in Swift car bearing registration No.HR-10AK-0780. Upon receipt of said information the police stepped-up the vigil and was able to intercept the aforesaid vehicle. Although, the person who was driving the vehicle tried to escape but was overpowered by the police. Upon inquiry he disclosed his name as Varinder @ Kala and search of the boot of the car led to recovery of 6 bags containing 'Ganja' total weighing 122.5 Kgs of 'Ganja'.
3. It is further the case of prosecution that during the course of interrogation the aforesaid Varinder @ Kala disclosed that the aforesaid contraband had been procured from Sanjay Yadav. Upon arrest of said Sanjay Yadav, he disclosed that he had procured the contraband from Ajit Singh.
4. Learned counsel for the petitioners submitted that admittedly no contraband whatsoever was recovered from the petitioners and it is only co-accused Varinder @ Kala who was apprehended at the spot and who was found to be carrying 122.5 Kgs of 'Ganja' in his car. It has been submitted that both the petitioners have been nominated on the basis of disclosure statements, the admissibility of which would

be debatable. It has further been submitted that since the trial has not commenced till date, further detention of the petitioners would not be justified.

5. Opposing the petition, learned State counsel has submitted that having regard to the fact that the petitioners were specifically nominated by a person from whom huge quantity of contraband was recovered, their complicity cannot be doubted. Learned State counsel has however, informed that while petitioner-Sanjay Yadav is involved in 5 other cases registered in Uttar Pradesh pertaining to offences other than NDPS Act, petitioner Ajit Kumar Singh is involved in two more cases i.e. one registered under NDPS Act and another registered under Indian Penal Code. It has also been informed that although, the charges have been framed, but till date none out of the cited 32 PWs has been examined. It has also been informed that while petitioner Ajit Kumar Singh has been behind bars since the last 1 year, 3 months and 18 days, petitioner Sanjay Yadav is behind bars for the last 1 year and 8 months.
6. This Court has considered the rival submissions.
7. Without commenting anything as regards the veracity of the allegations, but while duly noticing that it is a case where the petitioners have been nominated on the basis of disclosure statements, the veracity of which is yet to be established and also having regard to the long custody of the petitioners and that the trial has not even commenced till date, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are

accepted and the petitioners are ordered to be released on bail subject to their furnishing two heavy sureties/bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8.
- A photocopy of this order be placed on the file of each connected case.

07.02.2024

mohan

( GURVINDER SINGH GILL)

JUDGE

|                            |          |
|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |