



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

CRM-M-10994-2024 (O&M)
Date of Decision: 25.7.2024

Mohinder Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

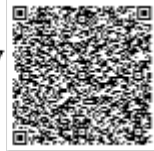
Present:- Mr. Raman Chawla, Advocate for
Mr. Pankaj Bali, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
251	29.10.2021	Siwan, Kaithal	22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The case of the prosecution, in nutshell, is that on 29.10.2021, a secret information was received by the police to the effect that Dixit Kamra indulged in sale of narcotics and that in case a raid is conducted at his house huge quantity of contraband could be recovered. Pursuant to receipt of said information, a raid was conducted and the accused was apprehended and 28550 tablets of ‘Diphenoxylate Hydrochloride’, 1500 tablets of ‘Tramadol’

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and 600 tablets of 'Alprazolam' were recovered. It is further the case of prosecution that during the course of interrogation the aforesaid Dixit Kamra suffered a disclosure statement naming the petitioner to be the supplier.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement, the veracity and admissibility of which would be debatable. It has been submitted that since no contraband was recovered when the petitioner was arrested, his complicity cannot be inferred.
4. Opposing the petition, learned State counsel submitted that since the name of the petitioner has specifically been disclosed by co-accused, his involvement is very apparent. It has also been submitted that the petitioner stands involved in one more case under NDPS Act i.e. FIR No.216, dated 13.3.2023 registered at Police Station Sadar Karnal, Karnal under Sections 22 (c) and 29 of NDPS Act, wherein he was nominated on the basis of a disclosure statement. It has been informed that the petitioner as on date has been behind bars since the last about 7 months and 13 days. It has been informed that as on date 5 PWs out of cited 23 PWs have been examined.
5. This Court has considered rival submissions addressed before this Court.
6. It is not in dispute that no recovery whatsoever was effected from the petitioner and he has been nominated on the basis of a disclosure statement made by co-accused. The petitioner has been behind bars for a substantial period of about 7 months and 13 days. Conclusion of trial is likely to consume time inasmuch as only 5 PWs out of cited 23 PWs have been examined so far. As such, further detention of the petitioner would not serve any useful purpose.



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7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.7.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No