

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16108-2024
Decided On: 08.04.2024

RAVI KUMARPETITIONER(s)

Versus

STATE OF HARYANARESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Rajesh Gaur, AAG, Haryana.

MANJARI NEHRU KAUL, J.(Oral)

1. The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.433 dated 16.08.2022 under Section 21(C), 27-A, 29 NDPS Act and Section 201 IPC registered at Police Station Sadar Fatehabad, District Fatehabad.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner was arrested on 29.12.2022, pursuant to a disclosure statement suffered by co-accused Ramneek @ Chinnu, who too has been nominated as an accused on the basis of disclosure statement suffered by co-accused Amandeep Singh. The challan has since been presented and even charges framed, however, none of the 23 prosecution witnesses cited have been examined till date. Learned counsel has submitted that on being arrested, no contraband much less heroin was affected from the petitioner, which further hints towards the false implication of the petitioner in the case in hand. It has still further been submitted that the disclosure statement on the basis of which the petitioner has been nominated as an accused in the present case has extremely weak evidentiary value. Learned

counsel has also drawn the attention of this Court to Annexure P-7, which is an order of this Court, granting bail to co-accused Gurdass @ Guru, who is identically placed as the present petitioner.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions from ASI Chiman Lal, has conceded that when the petitioner was arrested on 29.12.2022, no recovery of any narcotic substances much less heroin was effected from him. It has not been disputed that the challan stands presented and even charges stand framed, however, none of the 23 prosecution witnesses cited have been examined till date. Learned State counsel has also not controverted that the name of the petitioner surfaced only in the second disclosure statement suffered by co-accused Ramneek @ Chinnu, who too had been nominated as an accused in a disclosure statement made by accused Amandeep Singh, from whom recovery of 255 grams of heroin was allegedly affected. Learned State counsel has however brought to the notice of this Court that the petitioner is facing trial in another case under the NDPS Act, though, in that case, the recovery allegedly affected was only 20 grams of heroin, and he had since been enlarged in the said case on anticipatory bail.

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

5. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future as none of the 23 witnesses have been examined by the prosecution till date even though the petitioner was arrested on 29.12.2022. This Court therefore, deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is

allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

6. 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.

7. Needless to add here, in case, the petitioner are found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to them.

08.04.2024
Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No