

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228

CRM-M-19476-2024
Date of decision: 29.4.2024

PRAHLAD SINGH

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

**Present:- Mr. Abhishek Sindhwani, Advocate
for the petitioner.**

Mr. Rajesh Gaur, Addl.A.G., Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C in case FIR No.287 dated 15.5.2023 under Sections 186, 353, 336, 427 IPC 1860 and Sections 15(c), 27 and 29 of NDPS Act, 1985 registered at Police Station Sadar Bhiwani, District Bhiwani.
2. Learned counsel for the petitioner *inter alia* contends that no recovery of any contraband much less poppy husk was effected from the petitioner; he was neither present at the spot when the co-accused was apprehended by the police pursuant to a secret information received and from whom recovery of 68 Kgs of poppy husk was effected. Learned counsel submits that the petitioner came to be nominated much later in a disclosure statement allegedly suffered by co-accused Jagdish from whom the alleged recovery

was effected wherein he falsely stated that the petitioner had supplied the recovered contraband to him.

3. Learned counsel submits that thereafter supplementary challan was presented on 11.11.2023 against the petitioner. Learned counsel for the petitioner has asserted that the evidentiary value of the disclosure statement allegedly suffered by the co-accused Jagdish is of a weak nature.

4. Learned counsel has still further submitted that since the petitioner has no criminal antecedents, it is evident that a false case has been planted upon him. A prayer has, therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

5. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that no secret information was received qua the involvement of the petitioner in drug trafficking. The petitioner was not apprehended at the spot along with the co-accused Jagdish from whom the alleged recovery of 68 Kgs was effected. However, it has been submitted that after the petitioner was nominated as an accused on the basis of a disclosure statement suffered by the co-accused, a recovery of Rs.18,000/- was effected from him. On a pointed query put to the learned counsel, he on instructions from Inspector Rakesh Kumar has informed the Court that other than Rs.18,000/- no other recovery much less of any narcotic substance was effected from the petitioner. On a further query learned State counsel, on instructions, has also not disputed that the petitioner has no criminal antecedents. Learned State counsel has also informed the Court that 22 prosecution witnesses have been cited and as on date, only one witness stands examined

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by the co-accused. There is no likelihood of the trial concluding in the near future as only one witness out of the 22 cited by the prosecution has been examined. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

April 29, 2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable:	Yes/No