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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22056-2024 (O&M)
Date of decision:-26.09.2024

HARJIT SINGH @ GAGGU

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. G.S. Goraya, Advocate and
Mr. Gurnoor Singh, Advocate for the applicant-petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 24.09.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
342	29.08.2023	15 (C), 29 of NDPS Act and 201 of IPC	Thanesar City, Kurukshetra

3. Arguments heard.



4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the recovery of 56 kg of poppy husk has been effected from the conscious possession of Krishanpal @ Bhura and Avnish Kumar and Kasim. He contends that the petitioner has been nominated on the basis of alleged disclosure of accused Krishanpal @ Bhura and Avnish Kumar in their second statement whereas they have not mentioned about petitioner in their first statement. He contends that the petitioner is in custody since 11.01.2024 and no recovery has been effected from the petitioner, hence he prays for grant of regular as the father of the petitioner is seriously ill.

5. *Per contra*, learned State counsel has opposed the bail application by arguing that the petitioner although not named in the FIR but has been nominated on the disclosure statement of Krishanpal @ Bhura and Avnish Kumar. However he has admitted that no recovery has been effected from the petitioner in this case and challan has already been presented in Court. He prays for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the basis of secret information and the police apprehended Krishanpal @ Bhura and Avnish Kumar while accused Kasim managed to run away and from their possession 56 kg of poppy husk was recovered. It is not disputed that name of petitioner surfaced in the second disclosure statement of aforesaid Krishanpal @ Bhura and Avnish Kumar and consequent upon his arrest on 11.01.2024 no contraband was recovered from him. The petitioner is in custody since then,



after completion of investigation, challan has already been presented in Court, the conclusion thereof, to ascertain criminal liability, if any of the petitioner in the present case, will take sufficient long time and no purpose would be served by detaining him in custody any longer.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

26.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |