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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.223 (3 cases)

Case No. : CRM-M-30138-2024

Date of Decision : July 04, 2024

Tarun Kumar

.... Petitioner

vs.

State of Haryana

.... Respondent

Case No. : CRM-M-30197-2024

Date of Decision : July 04, 2024

Sandeep Singh

.... Petitioner

vs.

State of Haryana

.... Respondent

Case No. : CRM-M-30335-2024

Date of Decision : July 04, 2024

Suraj

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Mukesh Yadav, Advocate
for the petitioner(s) in
CRM-M-30138-2024 & CRM-M-30197-2024.

Mr. Himanshu Garg, Advocate
and Mr. Aditya Sanghi, Advocate
for the petitioner in CRM-M-30335-2024.

Mr. Yuvraj Shandilya, AAG, Haryana
for the respondent-State.

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GURBIR SINGH, J. :

1. Vide this common judgment, three bail petitions detailed above



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shall be decided as all these three petitions arise out of the same occurrence.

However, for the sake of convenience, facts are being taken from **CRM-M-30138-2024** titled **Tarun Kumar vs. State of Haryana.**

2. Prayer in all the aforesaid three petitions, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner(s), in case FIR No.69 dated 26.03.2024, under Sections 21/29/58(2)-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) and Section 120-B IPC (Section 27-C of the NDPS Act added subsequently), registered at Police Station City Mahendergarh, District Mahendergarh.

3. Status Report(s), by way of affidavit of Mohammad Jamal, HPS, Deputy Superintendent of Police, Mahendergarh, filed in two out of three cases **CRM-M-30138-2024** and **CRM-M-30197-2024**, on behalf of respondent – State of Haryana, are taken on record, subject to all just exceptions.

4. Brief facts of the case, as per prosecution version, are that on 26.03.2024, ASI Sanjeet along with some other officials, was present at Satnali Turn, Mahendergarh in connection with patrolling duty, where a secret informer met him and informed that Chirag son of Birender was indulging in selling narcotic substances. On that day, he was having smack in his motorcycle bearing registration No.HR-34-G-8818 and was present opposite the Court Complex. If raid was conducted, then he could be apprehended. After preparing notice under Section 42 of the NDPS Act, raid was conducted at the disclosed place. Chirag was present there. On

search of his motorcycle in the presence of Gazetted Officer, a plastic pouch



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containing smack was recovered from his motorcycle. On weighing, the same was found to be of 08 grams 63 milligrams. After completing necessary formalities, FIR No.69 dated 26.03.2024 was got registered. Further investigation was conducted by SI Govind, who reached at the spot. He interrogated Chirag and found the matter suspicious. DSP Mohammad Jamal was called at the spot and Chirag was interrogated in presence of the witnesses, upon which DSP gave the direction not to arrest Chirag as the matter was suspicious. During further interrogation, the above said Chirag disclosed that a fight took place on 24.02.2024 between his brother Jatin and himself (Chhahat @ Chirag), Deepak @ Gail, Manish, Sandeep, Dheeraj @ Thekdi and six other persons, who had inflicted injuries to him and his brother Jatin, wherein his hand was broken, upon which, his brother Jatin got registered a case i.e. FIR No.47 dated 28.02.2024, under Sections 148, 149, 323, 455 and 506 IPC, at Police Station City Mahendergarh. He further told that the above named accused persons were making pressure upon him and his family by threatening them to implicate them in false case if compromise is not made by them. He further stated that he did not know who kept the smack in his motorcycle.

5. On 27.03.2024, secret informer namely Tarun Kumar was called and joined in the investigation. During interrogation, he suffered disclosure statement, wherein he admitted to have been involved in the present crime and disclosed that on 25.03.2024, Sandeep and Deepak came to him and told that they had hidden a white foil under the seat of Chirag's motorcycle and further, they should inform the police and get him caught. As per the advice



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of his friends, he informed the police. On 27.03.2024, Sandeep and Deepak @ Gail were joined in the investigation and were arrested. Further, on the disclosure statement of Sandeep, Suraj and Chirag @ Chhahat were joined in investigation and were arrested in this case. Petitioner Suraj suffered his disclosure statement, in pursuance of which, Rs.2,000/- got recovered, which was received by him by selling smack.

6. Learned counsel for the petitioner(s) have submitted that the petitioner(s) have been falsely implicated in this case. No recovery has been effected from them. No direct evidence is there against them and as far as disclosure statements are concerned, the same would be a subject matter of consideration during trial, which would certainly not conclude very soon. So, it has been prayed that the present petitioner(s) be released on bail.

7. Learned State counsel, on the other hand, while opposing the bail petition(s), reiterated the aforesaid prosecution version and prayed for dismissal of bail petitions before this Court.

8. I have heard learned counsel for the petitioner(s) as well as learned State counsel representing the State of Haryana.

9. Petitioners Tarun and Sandeep were arrested on 27.03.2024, whereas petitioner Suraj was arrested on 29.03.2024. The recovery in this case was effected from Chirag, who was not even arrested by the police and was let off. The matter was suspicious. The said recovery is of non-commercial quantity. No recovery of any contraband is effected from the present petitioner(s) in pursuance of their disclosure statements made by them in custody before the police. The case is at the initial stage and

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completion of trial will take a long time. No useful purpose would be served by keeping the petitioner(s) behind bars for a long period. Accordingly, without commenting upon the merits of the case, all the three petitions i.e. CRM-M-30138-2024, CRM-M-30197-2024 & CRM-M-30335-2024 are allowed and the petitioner(s) are directed to be released on regular bail, on furnishing personal bonds in the sum of Rs.50,000/- each, with one surety of the like amount, subject to the satisfaction of learned Trial Court/Duty Magistrate concerned.

10. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
11. Pending applications, if any, shall stand disposed of along with the present petition.

July 04, 2024

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(GURBIR SINGH)

JUDGE

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