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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30246-2024
Date of decision:-25.07.2024

MANOJ KUMAR @ MANOJ KUMAR BHALLA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Vishal Deep Goyal, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
37	18.01.2022	18 NDPS Act (29 and 27-A NDPS Act added later on)	Sadar Thanesar, District Kurukshetra

2. Brief facts of the case puthforth by the prosecution is that on 18.01.2022 while patrolling, a secret information was received by the Police stating that Amarjit Singh used to visit West Bengal by loading goods in his truck and in return, he used to bring opium from West Bengal and he had parked his truck on lay-by in front of New Moga Punjabi Dhaba situated in Village Sanwla on Pipali Shahbad G.T. Road, if raid is conducted, he can



be apprehended with opium in truck. Finding information reliable, raid was conducted and 4.500 kilograms of opium was recovered from the conscious possession of the accused Amarjit Singh, hence the FIR.

3. 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 submits that petitioner was not named in the FIR but was nominated on the basis of disclosure statement of co-accused Jeet Ram. He submits that FIR was registered on 18.01.2022 and the present petitioner was nominated in the present case on 21.05.2024 after more than 2 years and 5 months of the occurrence. He submits that no recovery has been effected from the petitioner and co-accused Charanjit Singh @ Channi and Amarjit Singh have already been granted concession of regular bail by this Court vide orders dated 27.03.2023 and 12.07.2023 passed in CRM-M-33427-2022 and CRM-M-32014-2023 respectively. He contends that the petitioner is in custody since 21.05.2024 and is not involved in any other criminal case, hence prayed for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel contends that the FIR was registered on the secret information and Amarjeet Singh was arrested and from his possession recovery of 4.500 kg. of Opium was effected. In his disclosure statement he named co-accused Charanjit Singh alias Channi. Charanjit Singh @ Channi disclosed name of Jeet Ram and he was arrested on 19.05.2024 and on his disclosure statement present petitioner was nominated. On instructions from SI Raj Pal he submits that there is a monetary transactions of ₹500/- by the present petitioner in the account of



main accused Amarjit Singh. He submits that as per CDR of mobile phone 97369-83556, there is telephonic conversation between co-accused Jeet Ram and the petitioner (Annexure R-3). However he has submitted that after completion of investigation, challan has already been presented in Court and there is no other criminal case registered against the present petitioner.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, the recovery of contraband was allegedly effected from the accused Amarjit Singh on 18.01.2022 and on his disclosure statement Jeet Ram and Charanjit Singh @ Channi were nominated in the case. Admittedly, consequent upon the arrest of these nominated accused namely Charanjit Singh and Jeet Ram no recovery of contraband was effected from their person. Aforesaid, Jeet Ram was apprehended on 19.05.2024 and it was on his alleged disclosure statement that the petitioner was nominated. Consequent thereto, the petitioner was also arrested on 21.05.2024 and despite his interrogation no recovery was effected from him. Admittedly, the petitioner is not having any criminal antecedents, although the learned counsel has pointed out that there is one phone call of the petitioner with the main accused in the CDR, however, the same is having no relevance at this stage and the value thereof could only be adjudged during course of trial. After completion of investigation, challan has already been presented in Court and conclusion of trial to ascertain criminal liability, if any of the petitioner will take sufficient long time, coupled with the fact that no recovery has been effected from petitioner and also no criminal case is pending against petitioner, no purpose



would be served by detaining him in custody any longer.

6. 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.

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

(SANJIV BERRY)
JUDGE

25.07.2024

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