



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33597-2024

Date of decision: 22.07.2024

Jagpal alias Gandhi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Devender Arya, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.323 dated 21.10.2022 under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 420, 467, 468, 471 of the IPC (added lateron) registered at Police Station Bahalgarh, District Sonipat.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; he was allegedly arrested on 21.12.2022 while he along with two others were travelling together in a car. Learned counsel has submitted that when the petitioner and the co-accused were intercepted by the police, a recovery of 150 grams of charas was shown to have been allegedly effected from the petitioner along with 150 grams of charas from co-accused Sheela and another 86 grams from co-accused Ajit. Learned

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counsel has submitted that thereafter strangely a recovery of 1 kg 756 grams of charas was shown to have been effected from the very same vehicle pursuant to a disclosure statement allegedly suffered by the petitioner. Learned counsel has submitted that it is, thus, evident that the subsequent recovery of charas had been planted upon the petitioner by the police for reasons best known to them. Learned counsel has submitted that since the investigation in the present case is complete as challan stands presented and even charges framed, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude moreso, when none of the 34 prosecution witnesses have been examined so far.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. Leaned State counsel, on instructions from SI Mukesh, has not disputed that initially a total recovery of 386 grams of charas was effected from the petitioner and the two co-accused who were travelling together in a car, however, it has been submitted by the learned State counsel that pursuant to a disclosure statement made by the petitioner, a recovery of 1 kg 756 grams of charas was effected from a compartment which had been created under the front seat of the car in which all the three accused were travelling. It has also been submitted by the learned State counsel that a specific secret information had been received qua the involvement of the petitioner and the co-accused in drug trafficking. Still further, the car from which the alleged recovery was effected was registered in the name of the petitioner and furthermore, the petitioner



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had used fake number plate on the car to mislead the police.

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, this Court does not deem it fit to extend the concession of bail to the petitioner in view of huge recovery totaling 2 kgs 142 grams of charas (1 kg 756 grams from the compartment created under the seat of the car + 386 grams from the three accused including the petitioner) having been effected.

6. Accordingly, the instant petition is hereby dismissed.

7. 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.

22.07.2024

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No