

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39300 of 2023(O&M)
Date of Decision: 10.01.2024

Bherulal Patidar @ Ramu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Pratham Sethi, Advocate
For the petitioner.

Mr. Vishal Kashyap, DAG Haryana.

KARAMJIT SINGH, J.

CRM-52368 of 2023

1. This is an application filed by the petitioner for placing on record copy of order (Annexure P-4) dated 13.08.2020 whereby the petitioner has been granted regular bail in another criminal case registered under Sections 8/18 and 29 of NDPS Act in Police Station Neemuch City (Madhya Pradesh).

2. The State counsel is having no objection if the said document is taken on record.

3. The present application is allowed and aforesaid order (Annexure P-4) is directed to be taken on record.

CRM-M-39300 of 2023

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 598 dated 21.11.2022

under Section 21(c) of NDPS Act registered at Police Station City Mandi Dabwali, District Sirsa (Section 27-A of NDPS Act added lateron).

2. The brief facts of the case are that police apprehended co-accused Nazam Singh and Punma Ram and recovered 3 Kg of opium from both of them on 21.11.2022. Thereafter, the petitioner was nominated as accused on the basis of disclosure statement of co-accused Punma Ram and consequently the petitioner was arrested on 11.06.2023 by the police.

3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of alleged disclosure statement of co-accused and the relevancy and admissibility of the same will be tested during trial. It is further submitted that during investigation no contraband was recovered from the possession of the petitioner. That on completion of investigation, police has presented the challan but till date no prosecution witness is examined. It is further submitted that one another false case was registered against the petitioner in State of Madhya Pradesh wherein he has been granted regular bail vide order (Annexure P-4). Prayer is made that the present petition be allowed.

4. The present petition is resisted by the State counsel who submits that the present case is relating to recovery of commercial quantity of opium and thus rigors of Section 37 of the NDPS Act are applicable to the case of the petitioner, who belongs to State of Madhya Pradesh. The State counsel further submits that if released on bail, there is apprehension that the petitioner will abscond. However, State counsel on instructions from ASI Bhup Singh has not disputed the fact that the petitioner was nominated as accused on the basis of disclosure statement of co-accused and was arrested on 11.06.2023 but no contraband was recovered from his possession.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement of co-accused and thereafter arrested on 11.06.2023. However, no contraband was recovered from his possession. The relevancy and admissibility of the disclosure statement, if any, made by the co-accused against the petitioner will be examined during the trial. The police has already completed the investigation and presented challan against all the accused persons. It will take considerable time for the trial to conclude as till date no prosecution witness has been examined. No doubt the petitioner is also involved in one another criminal case of similar nature, wherein he is already enlarged on bail vide order (Annexure P-4). In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and heavy surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.01.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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