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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-60807-2023

Date of decision: 19.03.2024

Charanjeet Singh @ Charnu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of regular bail in case having FIR No.01 dated 01.01.2023 under Section 15-C/27-A/61/85 of NDPS Act, at Police Station Sadar Tohana, District Fatehabad.

2. The allegations in nutshell are that police apprehended one Tata Ace number HR-62-A-7904 and in the meantime, its driver managed to escape. On checking of said vehicle, 8 Quintal 14 kg of poppy husk was recovered. During investigation, it was found that Kaptan Singh purchased the said vehicle on the basis of agreement from Sube Singh. Kaptan Singh disclosed that the said vehicle was taken from him by co-accused Jagsir @ Seera and one unknown person. Subsequently, Jagsir Singh @ Seera was

arrested who made disclosure statement regarding involvement of present petitioner in drug trafficking. Consequently, petitioner was nominated as accused and arrested on 05.01.2023. During investigation, no recovery was effected from the petitioner.

3. The counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is on bail in the another criminal case faced by him under NDPS Act and is in custody for the last more than 1 year and 2 months. It is further submitted that the alleged disclosure statement made by co-accused is in-admissible in evidence and that it will take time for trial to conclude. It is further submitted that the petitioner is having no concern with Tata Ace in question and in the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. Reply by way of an affidavit of Jagdish Kumar, Deputy Superintendent of Police, Bhuna, District Fatehabad filed on behalf of the State is taken on record along with Annexure R-1 to Annexure R-4.

5. The present petition is resisted by the State counsel who submits that recovery of contraband effected in the present case comes under commercial quantity and squarely covered by rigors of Section 37 NDPS Act. However, the State counsel has not disputed that the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement of co-accused and is in custody for the last more than 1 year and 2 months and is enlarged on bail in another case registered against him under NDPS Act and that it will take time for trial to conclude.

6. I have considered the submissions made by counsel for the

parties.

7. Admittedly, petitioner was not named in the FIR and his name surfaced in the disclosure statement of co-accused. The evidentiary value and admissibility of the disclosure statement will be tested at the relevant stage of trial. The alleged recovery was effected from Tata Ace. It is the case of the petitioner that he has got no connection with said vehicle. No contraband was recovered from conscious possession of the petitioner who is incarcerated for last 1 year and 2 months. It will take time for the trial to terminate. Thus, no fruitful purpose is going to be served by prolonging judicial custody of the petitioner.

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

19.03.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No