

CRM-M-41733-2024

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

CRM-M-41733-2024

Date of Decision: 02.09.2024

Manjeet

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Keshav Pratap Singh, Advocate and

Ms. Meghna Nehra, Advocate and

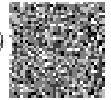
Mr. Rajan Singh, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.45 dated 05.03.2024, under Sections 201, 120-B IPC and Section 18 of NDPS Act, 1985, registered at Police Station Uklana, District Hisar.

2. Succinctly stated facts of the case are that the FIR in the present case was lodged by Anoop Singh son of Raja Ram, who was elected Sarpanch of Gram Panchayat Nayagaon. It was alleged that on 28.02.2024, Ramesh son of Ratan Lal, member of Gram Panchayat Nayagaon had taken his Ritz car HR-26-AZ-6370 and in the evening parked the car in front of his house. On 29.02.2024, some leakage was noticed in the car and he was informed about the same. On checking of the car, some intoxicant pills and two packets of intoxicant substance were found in the boot of the car. The same was taken out of the car. In the late night of 01.03.2024, some secret informer got raided his house regarding the same substance by CIA, Hisar.

Request was made that legal action be taken against the accused, who are

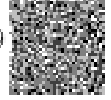


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involved with Ramesh Kumar in conspiracy against him. On the basis of the complaint, FIR was registered and investigation commenced. The petitioner was arrested on 09.08.2024. He approached the Court of learned Additional Sessions Judge, Hisar praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 14.08.2024. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. It is submitted that the petitioner is the ex-Sarpanch of the village, whereas, the complainant is the present Sarpanch of the village and it is because of the political rivalry, the petitioner has been roped in the present case on the allegation of conspiracy. He submits that as per the case of the prosecution itself, the car of the complainant was taken by Ramesh son of Ratan Lal, who later on brought back the same and parked in front of the house of the complainant. He submits that during the investigation, disclosure statement of the co-accused was recorded and the petitioner was deliberately arrayed as an accused in the present case. It is submitted that the alleged narcotic which was taken in possession the complainant himself destroyed the same by burning and also on the basis of the remains, the prosecution has made out a case of opium weighing 2.30 kgs including the plastic container. He submits that co-accused Ramesh has already been granted interim bail, which has been confirmed on 17.07.2024. He submits that from the facts and circumstances of the case, it is apparent that the alleged narcotic is already destroyed and that too by the complainant himself. He submits that there is



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no evidence against the petitioner, except the disclosure statement of the co-accused. Thus, in these circumstances, the petitioner deserves to be enlarged on bail.

4. Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He submits that the petitioner is duly involved in the conspiracy against the complainant. He submits that on finding the narcotic, the complainant duly informed the Police, however, as his house was raided by the Police, hence, he had to destroy the same by burning. He submits that the case is under investigation.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that the case is under investigation. However, he submits that the co-accused has already been granted anticipatory bail by this Court vide order dated 17.07.2024.

6. Heard.

7. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 09.08.2024. The narcotic as alleged has already been destroyed as per the case of the prosecution by the complainant. Name of the petitioner is not mentioned in the FIR, however, his name was surfaced on the basis of the disclosure statement made by co-accused. Needless to say that co-accused has already been granted anticipatory bail by this Court vide order dated 17.07.2024.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will

take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

		(RAJESH BHARDWAJ)
		JUDGE
02.09.2024	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No