



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215 CRM-M-41805 of 2024 (O&M)

Date of decision: 13.11.2024

Ajeet Yadav Alias Sonu
State of Haryana
.....PETITIONER
VERSUS
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lakhwinder Singh Lakhanpal, Advocate for petitioner.
Mr. Vishal Kashyap, DAG Haryana.

FIR No.	Dated	Police Station	Section/s
286	24.07.2023	Sadar Narnaul, District Mahendergarh Haryana	20, 29 and 61 of Narcotics Drugs and Psychotropic Substances Act, 1985.

GURVINDER SINGH GILL, J. (Oral)

- Petitioner-Ajeet Yadav @ Sonu seeks grant of regular bail in respect of above mentioned FIR.
- The allegations, in nutshell are that one motorcycle bearing registration No. HR-36-R-7105 was found parked near a bridge on Rewari-Narnaul road. Upon checking the said motorcycle, 21.994 kgs of ‘ganja’ was recovered. During the course of investigation it was found that the said motorcycle was registered in the name of Rohtash. Upon inquiries, it transpired that Rohtash had sold the motorcycle to one Banti. When inquiries were made from aforesaid Banti, he disclosed that he had given the motorcycle to one Suresh, Mechanic for the

purpose of selling the same. When aforesaid Suresh was contacted, he said that he had sold the motorcycle to Harsh Kumar. It is further the case of prosecution that upon arrest of Harsh Kumar and upon his interrogation he disclosed that he had procured the contraband from Kunal. When Kunal was arrested, he further disclosed that he had procured the contraband from the petitioner- Ajeet Yadav @ Sonu.

3. Learned counsel for the petitioner submitted that the petitioner was never ever found at the spot nor any recovery was effected from him and has been nominated as an accused on the basis of string of disclosure statements made by large number of co-accused, none of whom was ever present at the spot. It has further been submitted that the petitioner as on date has been behind bars since the last about 6 months and since as on date only 2 PWs out of the cited 23 PWs have been examined, further detention of the petitioner will not serve any useful purpose.
4. Opposing the petition, learned State counsel submitted that having regard to the fact that the petitioner has specifically been named by the co-accused and otherwise has a chequered record having been involved in 4 other cases for offence under Narcotic Drugs and Psychotropic Substances Act, 1985, his complicity is clearly evident. It has, however, been informed that the petitioner as on date has been behind bars since the last about 6 months and that as on date 2 PWs out of the cited 23 PWs have been examined.
5. This Court has considered rival submissions addressed before this Court.
6. It is not in dispute that no recovery whatsoever was ever effected from the

petitioner nor he was found at the spot. The motorcycle in question was not registered in the name of the petitioner. The petitioner came to be nominated on the basis of string of disclosure statements made by co-accused. The admissibility and reliability of such like disclosure statement would be debatable particularly in the absence of any other cogent and convincing evidence. No doubt the petitioner is involved in some other cases, but having regard to the fact that as on date only 2 PWs out of the cited 23 PWs have been examined necessarily indicating that conclusion of trial will take time and while also bearing in mind the nature of contraband recovered i.e. ‘ganja’ and while also noticing that several other identically situated co-accused, who were nominated on the basis of disclosure statements, have already been granted bail, the petitioner also deserves the same concession on ground of parity.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13th November, 2024
reema

(GURVINDER SINGH GILL)
JUDGE

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