



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

CRM-M-45354-2024

Date of decision: 13.11.2024

Himmat Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. P.K. Aggarwal, 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 a criminal case having FIR No.69 dated 28.02.2008, under Sections 307, 186, 332, 353 IPC and Sections 15, 21, 25, 61, 85 of the NDPS Act and Section 25, 27/54 of Arms Act, registered at Police Station Agroha, District Hisar.

2. The allegations in nutshell are that police received information on the night of 27/28.02.2008 regarding transportation of poppy husk by the accused person in Bolero Jeep No.HR-18-H-0106, Canter No.RJ-10-GA-0494 and Esteem Car No.HR-08-8448. The police tried to intercept the said vehicle. In the meantime, the occupants of Bolero Jeep and Canter left their vehicles and ran away, some of them also fired shots. The police was able to arrest one Rajinder @ Raju at the spot while the others managed to escape. Rajinder @ Raju disclosed to the police that Canter was driven by the present petitioner. On search of the said vehicles, police recovered heavy



quantity of poppy husk which was packed in 25 bags. During investigation, the petitioner was nominated as accused but subsequently, he was declared as proclaimed offender. Rajesh Kumar, Subhash Chand and Amar Singh were arrested during investigation and they faced trial. Rajinder @ Raju was convicted and sentenced to imprisonment.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case on the basis of disclosure statement of co-accused which is inadmissible in evidence. It is further submitted that petitioner is in custody for the last six months and it will take time for trial to conclude and during investigation, police failed to collect any legal evidence against the petitioner. It is further submitted that no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel. Status report by way of an affidavit of Wazir Singh, Deputy Superintendent of Police, Law and Order, Hisar filed on behalf of the State is taken on record along with custody certificate. The State counsel submits that the case is relating to recovery of heavy quantity of poppy husk and the petitioner escaped from the spot and is later on arrested and is now in custody for the last about six months. However, the State counsel has not disputed the fact that it will take time for the trial against the present petitioner to conclude.

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

6. The petitioner was not apprehended at the spot and as per prosecution version, the petitioner was driving Canter but he managed to



escape. It appears that the petitioner was nominated as accused on the basis of disclosure statement suffered by co-accused who was apprehended at the spot. The veracity and relevance of the said disclosure statement will be tested during trial. The petitioner is in custody for the last more than six months. It will take time for trial to terminate. In the given circumstance, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting 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 bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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