

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARHSr. No. 201CRM-M-53093-2022Date of decision : 06.09.2024

Samrath Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBALPresent: Mr.D.S.Virk, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G., Haryana.

DEEPAK SIBAL, J. (Oral)

1. Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.125 dated 11.06.2020, registered under Section 17/27(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nathu Sarai Chopta, District Sirsa, Haryana.

2. 11 Kgs of opium was allegedly recovered from co-accused-Dinesh Kumar and on the basis of an alleged disclosure statement made by him to the effect that the recovered drugs had been purchased by him from the petitioner, the petitioner was also arrayed and prosecuted as an accused.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 27.10.2022; he does not have any other criminal antecedents; the person who was named by co-accused-Dinesh Kumar was Samrath son of Ram Lal whereas the petitioner is Samrath son of Ganga Ram; there is no evidence collected by the State with regard to the petitioner's parentage; the only evidence to link the petitioner with the crime that he is accused of is the disclosure statement of co-accused Dinesh Kumar; the prosecution has not collected any other evidence to support the



alleged disclosure statement of co-accused-Dinesh Kumar; a disclosure statement by a co-accused, without any supporting evidence, has no evidentiary value and that since 24 prosecution witnesses still remain to be examined in the petitioner’s trial, the same will take a long time to conclude.

4. Learned State counsel does not dispute the petitioner’s period of incarceration and the fact that the petitioner was made an accused only on the basis of a disclosure statement by the co-accused as also that the petitioner does not have any other criminal antecedents.

5. After considering the afore rival submissions and going through the record, the present case is found to be a fit one in which the petitioner be directed to be released on regular bail and it is so ordered. However, the same shall be subject to the satisfaction of the concerned CJM/Duty Magistrate, who shall insist upon two heavy local sureties.

6. It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

06.09.2024
shamsher

[DEEPAK SIBAL]
JUDGE

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