

2024:PHHC:134777



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

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CRM-M-49482-2024

Date of decision: 15.10.2024

HUKAM SINGH

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Preprak Sheoran, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.0224 dated 31.07.2024 under Section 15, 27-A of the NDPS Act, 1985 registered at Police Station Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner submits that although a secret information was received qua the co-accused indulging in drug trafficking, however no such secret information was received qua the involvement of the petitioner in drug trafficking. Pursuant to the secret information received, co-accused Sumit and Deepak were apprehended along with 54 Kgs. of Poppy Husk. Learned counsel submits that it is not the case of the prosecution that the petitioner was present along with co-accused when the alleged recovery was affected. Rather the petitioner came to be nominated as an accused pursuant to a disclosure statement



allegedly suffered by co-accused Sumit and Deepak. It has been asserted by the learned counsel that the disclosure statement on the basis of which the petitioner has been nominated as an accused does not have much evidentiary value and all this requires to be appreciated in the background of the petitioner having no previous criminal antecedents. It has been, therefore prayed that in the aforementioned facts and circumstances since the petitioner has been in custody for more than two months having been arrested on 6.8.2024 coupled with the fact that even on being arrested no recovery of any contraband much less poppy husk was affected from him, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions, has not been able to dispute the factum of the petitioner not being apprehended at the spot along with co-accused Sumit and Deepak. It has also not been disputed, on instructions, that no recovery of any contraband was affected from the petitioner when he was arrested on 6.8.2024. However learned State counsel has submitted that a recovery of Rs.5000/- (drug money) was affected from the petitioner.

On a pointed query, learned State counsel has apprised the Court that the petitioner has no previous criminal antecedents.

4. I have heard learned counsel for the parties and perused the material placed on record including the FIR in question which has been annexed as Annexure P-1.



5. As not disputed by the learned State counsel, no recovery of any contraband was affected from the petitioner and he came to be nominated as an accused only on the basis of a disclosure statement allegedly suffered by co-accused Sumit and Deepak.

6. Therefore, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as further incarceration of the petitioner would serve no useful purpose.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

October 15, 2024
poonam

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