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

CRM-M-50522-2024

Date of decision : 21.10.2024

Murli Saini**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Nirmal Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 483 BNSS praying for grant of regular bail in case FIR No.442 dated 05.08.2024, under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jagadhari City, District Yamuna Nagar.

2. As per the facts of the case, on 05.08.2024 the police received a secret information that one Rahul @ Khand is involved in selling heroin and he was coming to sell heroin to someone near Power House Gulabnagar Road near Chhachhrauli. It was informed that if raid is conducted, he would be arrested along with the contraband heroin. On finding the information reliable, the FIR was registered and the police party proceeded for the place as informed. On reaching there and on finding out the suspected person was over powered and on asking, he disclosed his name as Rahul @ Khand. On his search, 8.64 grams heroin



was recovered. He failed to produce any licence for keeping the contraband and he was arrested on spot. The FIR was lodged and investigation commenced. During investigation, he made a disclosure statement about the present petitioner, namely, Murli Saini, who was said to be supplier of the contraband. Hence he was arrested on 26.08.2024. Thereafter, the petitioner approached the Learned Additional Sessions Judge, Yamuna Nagar at Jagadhri for grant of bail, however, after hearing both the sides, the same was declined by the Learned Additional Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 26.09.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in the present case. He submits that the petitioner is not named in the FIR nor any recovery is made from him. However, he has been arrayed as an accused on the basis of the disclosure statement made by the co-accused which is not an admissible evidence. It is submitted that even otherwise, the recovery made from the co-accused is of 8.64 grams of heroin which is slightly above the small quantity. He submit that the co-accused, namely, Rahul @ Khanda from whom the recovery was made has already been enlarged on bail by the learned Special Court after the custody of 26 days. He submits that though the petitioner is involved in other cases, however, he has been enlarged on bail in those cases. He submits that in the overall facts and circumstances of the present case, petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and on instructions from ASI Rajinder, has submitted that the petitioner is involved in other cases

as well and in one of the case registered under Section 302, he has been convicted. However, it has been affirmed that his sentence has been suspended in the same. He submits that in the present case though the investigation is complete but the challan is yet to be presented.

5. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the name of the petitioner is surfaced in the present FIR on the basis of the disclosure statement made by the co-accused, namely, Rahul @ Khanda, who is already on bail granted by the learned Special Court. Though the petitioner is involved in other case, however, he is stated to be on bail as per the submissions made before this Court.

6. 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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. 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 Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.10.2024

(RAJESH BHARDWAJ)
JUDGE

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