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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53265-2024
Date of decision:-03.12.2024

JITENDER SINGH ALIAS JYOTI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. D.P.S. Bajwa, Advocate for the petitioner.
Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed Status report by way of affidavit dated 02.12.2024 of Deputy Superintendent of Police, Narwana, District Jind alongwith custody certificate dated 02.12.2024, the same are taken on record, copies thereof, have been supplied to the counsel opposite.

2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Surakasha Sanhita (BNSS),2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
125	08.07.2024	15(b), 27-A of NDPS Act	Garhi, District Jind

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



contends that petitioner was not named in the FIR but has been nominated on the disclosure statement made by co-accused Davinder Singh from whom the police had allegedly recovered 2 kg. Poppy husk. He submits that the petitioner is having no concern with the alleged recovery and even after his arrest on 18.08.2024 no recovery has been effected from the petitioner. He contends that after completion of investigation, challan has already been presented in the trial Court, as such he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner has been named on the disclosure statement made by co-accused Davinder Singh to be the alleged supplier of the contraband. However, he admitted that consequent upon the arrest of the petitioner no recovery of contraband was effected from him and after completion of investigation, challan has been presented in Court.

6. After considering the rival contentions and perusing the record, it transpires that admittedly petitioner was not named in the FIR and has been nominated on the alleged disclosure statement of co-accused Davinder Singh from whom recovery of 2 kg of poppy husk was allegedly effected by the police. Although the petitioner is alleged therein to be the supplier, however, consequent upon his arrest on 18.08.2024 no contraband has been recovered from him. After completion of investigation, challan has already been presented in Court and the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case, will take sufficient long time.



7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.12.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No