

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-53681-2024 (O&M)
Date of Decision:- 05.11.2024

Satyawan
... Petitioner

Versus

State of Haryana
... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saransh Sabharwal, Advocate for the petitioner.
Mr. Vishal Kashyap, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

FIR No.	Date	Police Station	Offences
37	28.01.2021	Sector 5, Panchkula	Section 20, 29 of NDPS Act, 1985 (Section 29 of NDPS Act was added later on)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution 25 Kg. Ganja was recovered from Mahi Singh (father of the petitioner). It is the case of the prosecution that during the course of interrogation, said Mahi Singh disclosed that his son Satyawan (petitioner) used to bring Ganja.
3. Learned counsel for the petitioner submits that he has been falsely been implicated in the present case on the basis of disclosure statement which would hardly carry any evidential value. It has further been submitted that as on

date the petitioner has been behind bars for the last about 5 months 19 days and the trial has not been commenced till date, he deserves the concession of bail.

4. Opposing the petition, learned State counsel submitted that since it is the real father of the petitioner who has nominated him, his complicity cannot be doubted. It has however, been informed that the petitioner as on date has been behind bars since the last about 5 months and 19 days and the petitioner otherwise has a clean record. It has also been informed that no PW has been examined till date.

5. This Court has considered rival submissions addressed before this Court.

6. Admittedly it is a case where the petitioner has been nominated on the basis of disclosure statement. The petitioner otherwise has a clean record. The petitioner has been behind bars for the last about 5 months and 19 days. The trial has virtually not even commenced inasmuch, no PW has been examined till date. Under these circumstances further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.11.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No