

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

207

**CRM-M-57202-2024
Date of Decision: 22.11.2024**

Raghubir @ Raghuvir Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No. 207 dated 27.07.2023 registered under Section(s) 20(b)(ii)(c) (Section 29 NDPS Act added later on) and Sections 120-B, 201 and 420 IPC at Police Station Siwani City, District Bhiwani.

2. The FIR in the present case was registered on the basis of the statement made by SI Virender Singh. As per him, on 27.07.2023 a police team had arrested Rajeev and Rajesh, co-accused and 1 kg and 485 grams of charas was recovered by the police from them. After the recovery of charas, the present FIR was registered against them. During the course of investigation, Priyanka wife of Rajeev moved an application to the police alleging that Manoj and Raghubir wanted to grab the sale proceeds of their plot and had falsely involved Rajeev and Rajesh in a criminal case. The investigation was conducted on the



representation submitted by Priyanka and ultimately it was found that Manoj and Raghubir had hatched the criminal conspiracy with the petitioner and others and had falsely got involved Rajeev and Rajesh in this case, just to grab the sale proceeds of a plot.

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been falsely involved in the present case on the basis of the disclosure statement suffered by his co-accused. He further contends that similarly placed co-accused Manoj Kumar has already been granted the concession of bail by this Court. Another co-accused Rakesh has already been granted the concession of bail by this Court on 21.11.2024. The petitioner was arrested in the present case on 29.11.2023 and the challan has already been presented against him.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner was not initially arrayed as accused in the present case and his name appeared in the disclosure statement of co-accused, which was recorded on 01.12.2023 i.e. more than 04 months after the registration of the FIR.

Whether the petitioner had falsely involved Rajeev and Rajesh, co-

accused or not is a subject matter of trial and both the parties are yet to lead their respective evidence before the trial Court. At this stage, the Court is conscious of the fact that the petitioner is in custody since 29.11.2023 and he cannot be allowed to continue in custody for indefinite period as an under trial prisoner.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

22.11.2024
M.Sikka

(N.S.SHEKHAWAT)
JUDGE

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