

Neutral Citation No.2024:PHHC:018634

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58156 of 2023
Reserved on:08.02.2024
Pronounced on: 09.02.2024

Jaiditya Ahir @ JaideepPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Navneet Kaur Waraich, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

DEEPAK GUPTA, J.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.188 dated 08.04.2020 registered under Sections 15, 18, 27A, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985; and Sections 140, 188, 419, 420, 467, 468, 471, 474 IPC at Police Station Pehowa, District Kurukshetra.

2.1 In brief, prosecution allegations are that on 08.04.2020, recovery of 248 Kgs of poppy husk; 1 Kg 500 grams of opium besides 100 Kg of *khaskhas* was effected from co-accused Balbir Singh alias Beera, and Harjinder Singh, on the basis of a secret information, when they were transporting the said contraband in a Canter bearing registration No.HR65-C-1530, on the front wind screen of which, “On Air Force Duty” was written on the white paper. Accused Balbir Singh alias Beera was the Driver and Harjinder Singh was the Cleaner on the truck. After making necessary

statutory compliances, the contraband was taken into possession and the two co-accused i.e. Balbir Singh alias Beera and Harjinder were taken into custody.

2.2 Further prosecution case is that during investigation, co-accused Balbir Singh alias Beera suffered disclosure statement, as per which, he had purchased the contraband from petitioner Jaiditya Ahir for an amount of ₹10 lakhs from Mangalwara, District Chittorgarh, Rajasthan, where the said petitioner is running a Dhaba. It was further disclosed by co-accused Balbir Singh that petitioner had arranged/ provided fake registration number plate for the Canter besides forged/ fabricated documents of Air Force to ease the transportation of the contraband.

3. It is contended by learned counsel that the petitioner has been falsely implicated simply on the basis of disclosure statement of co-accused Balbir Singh alias Beera; that no recovery has been effected from him; that petitioner is not involved in any such case; and that co-accused Balbir Singh alias Beera and Harjinder, from whom the recovery was effected, have already been allowed regular bail by this Court. One more co-accused Daljit Singh has also been allowed bail. Learned counsel also contends that though this Court had earlier granted anticipatory bail to the petitioner but the same was cancelled by Hon'ble Supreme Court and that later on, he surrendered before the Court on 29.09.2023 and that no incriminating circumstances has been found against him. Learned counsel further contends that the petitioner is in custody for the last more than four months; that there is a long list of prosecution witnesses and that the trial may take long time to conclude and so, he be allowed bail.

4. Opposing the bail petition, learned State Counsel has drawn attention towards the fact that 248 Kg of poppy husk as recovered from co-

accused Balbir alias Beera and Harjinder, falls in the commercial category and that as per the disclosure statement of co-accused Balbir, he had purchased the contraband from the petitioner for an amount of ₹10 lakhs. However, it is conceded by learned State Counsel that no recovery has been effected from the petitioner.

5. I have considered the submissions of both the sides and have appraised the record.

6. Co-accused Balbir Singh alias Beera and Harjinder Singh, from whom recovery of the contraband was allegedly effected, have already been allowed bail by co-ordinate Benches of this Court vide orders dated 04.05.2023 in CRM-M-20930 of 2023; and order dated 13.07.2023 in CRM-M-26849 of 2023 respectively. Another co-accused Daljit Singh, who was alleged to be escorting the Canter, from which the contraband was recovered, was granted the benefit of anticipatory bail vide order dated 16.07.2021 in CRM-M-12997 of 2020.

7. Apart from above, it is the conceded position that the name of the petitioner has surfaced in the disclosure statement of co-accused to be the seller/ supplier of the contraband. However, the status report filed by the respondent- State does not disclose that apart from the disclosure statement of co-accused, any other incriminating material was collected against the petitioner. Petitioner is in custody for the last 04 months and 09 days as per the custody certificate and he is not involved in any other case. The status report also reveals that there is a long list of 42 witnesses cited by the prosecution. Thus, trial is likely to take long time to conclude.

8. Having regard to all the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and

surety bonds to the satisfaction of learned trial Court/ Duty Magistrate
concerned, on usual terms and conditions.

February 09 , 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No