

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

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CRM-M-57032-2024

Date of Decision: 21.11.2024

RAKESH

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

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

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranshul Dhull, 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 439 of the Cr.P.C. 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), 29 NDPS Act and Sections 120-B, 201, 420 and 180 IPC (Sections 195 IPC and 7 and 12 of Prevention of Corruption Act added later on) 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 Senior counsel appearing on behalf of the petitioner vehemently argued that the petitioner was not initially named in the present case and had no concern with the recovery of contraband, which was effected from the Rajeev and Rajesh, co-accused. He further submits that after the registration of the FIR on 27.07.2023, the name of the petitioner surfaced in the disclosure statement of Manoj and Raghubir on 01.12.2023. It was falsely alleged that the petitioner had helped the co-accused in procuring and planting charas on the co-accused. The petitioner was arrested in the present case on 01.06.2024 and is continuing in custody since then. Apart from that, disclosure statement suffered by co-accused, the police could not recover any incriminating material to connect the petitioner with the commission of crime in any manner. Now after completion of investigation, challan has already been presented against him. Learned Senior counsel has already placed reliance on the order (Annexure P-14) passed by this Court, whereby co-accused Manoj has already been granted the concession of bail by this Court.

4. On the other hand, learned State counsel submitted that the petitioner was posted as ASI in Haryana Police and had colluded

with the co-accused, to involve the innocent persons in a criminal case. Thus serious allegations have been leveled against the petitioner and he is the main accused in the present case.

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 01.06.2024 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.

21.11.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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