



237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48257-2024

Date of Decision: 30.01.2025

MUKESH PAL

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Himani Anand, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in FIR No. 108 dated 19.07.2024 under Section 22 (c), 29 of the NDPS Act, 1985, registered at Police Station Ismailabad, District Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 07.08.2024. It has been argued by the learned counsel that a secret information was allegedly received by the Police with respect to the involvement of the co-accused Devi Dayal in drug trafficking. No such information was received qua the petitioner's involvement. After co-accused Devi Dayal was allegedly nabbed, recovery of 5700 tablets of Lomotil was shown to be effected from the co-accused Devi Dayal. It has further been argued by learned counsel that following the arrest of Devi Dayal, he allegedly made a disclosure statement nominating one Amrik Singh as being the person who had supplied the recovered contraband.

When Amrik Singh was arrested, he again suffered a disclosure statement



nominating one Deepak alias Deep who yet again suffered a disclosure statement nominating the petitioner as the supplier of the recovered contraband. It has been argued by the learned counsel that the disclosure statement on the basis of which the petitioner has been nominated as co-accused in the present case has no evidentiary value. It has been further argued that since the investigation in the present case is complete, further incarceration of the petitioner would serve no useful purpose as the possibility of the trial concluding in the near future looks remote, with none of the prosecution witnesses out of the 24 cited, having been examined till date.

3. *Per contra*, learned State counsel on instructions, has not disputed the custody period of the petitioner nor has it been disputed that investigation is complete in the present case as challan stands presented. On a pointed query, learned State counsel on instructions has not disputed that no secret information was received qua the involvement of the petitioner in drug trafficking and furthermore, the petitioner came to be nominated as an accused only in the disclosure statement allegedly suffered by co-accused Deepak.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner was arrested on 07.08.2024, pursuant to a disclosure statement, allegedly suffered by co-accused Devi Dayal. It has not been disputed by learned State counsel, on instructions, that no recovery of any contraband much less tablets of Lomotin were made from the



petitioner on his arrest. The possibility of the trial concluding in the near future looks remote.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of same.

(MANJARI NEHRU KAUL)
JUDGE

30.01.2025

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