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

CRM-M-51441-2024**Date of Decision: 10.01.2025**

Mohit alias Mohit Rana alias Mannu

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik 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), 29 NDPS Act and Sections 120-B, 180, 195, 201 and 420 IPC and Sections 7 and 12 of Prevention of Corruption Act, 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 appearing on behalf of the petitioner argues 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 contends that it has been wrongly alleged that the petitioner had allegedly supplied a contraband to Manoj and Raghubir. In fact, the petitioner was arrested in the present case on 04.06.2024 and is in custody since then. Learned counsel for the petitioner further contends that Manoj and Raghubir @ Raghuvir Singh have already been granted the concession of bail by this Court. He further contends that challan has already been presented against him and the conclusion of the trial may take quite a long time.

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 04.06.2024 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.

10.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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