

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M- 34792 of 2015
Date of Decision:-05.11.2015

Satish Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. R.S. Kundu, Advocate for the petitioner.

Mr. Praveen Aggarwal, D.A.G. Haryana.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.07, dated 20.01.2015, for offence under Sections 17/18 and 27-A/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "NDPS Act"), registered at Police Station, Odhan, Distt. Sirsa, during the pendency of trial.

Learned counsel for the petitioner submits that the petitioner has been named on the basis of disclosure statement of one Iqbal @ Guddu. The said Iqbal @ Guddu had also named "*Irfan Mohammad*" in his disclosure statement, who has already been granted bail by this Court in CRM-M-21912 of 2015 titled as "*Irfan Mohammad Vs. State of Haryana*", decided on 25.08.2015. He further submits that the petitioner is in custody since 11.04.2015 and even the vehicle used in the crime was already sold by the petitioner on 18.11.2014, whereas the FIR was registered on 20.01.2015. Learned counsel also submits that there is no other case registered against the petitioner.

Learned counsel for the State, on instructions from ASI Dharambir, submits that the alleged quantity involved in the case is huge and merely because the petitioner has sold the vehicle on 18.11.2014, is no ground to admit him on bail. Moreover, the ownership of the vehicle is yet to be proved during trial.

I have heard learned counsel for the parties and have gone through the case file.

Considering the fact that the name of the petitioner has cropped up on the basis of the disclosure statement of co-accused, namely, Iqbal @ Guddu and this Court in CRM-M-21912 of 2015 has considered the disclosure statement of one Iqbal @ Guddu, I deem it appropriate that present petitioner deserves for grant of regular bail.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate, Sirsa.

It is made clear that in future, in case the petitioner is found involved in any other case, the prosecution will be at liberty to seek cancellation of his bail.

It is, however, also made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

November 05, 2015
Anjal