

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

CRM-M-39791 of 2016 (O&M)

Date of decision: 21.12.2016

Arvind Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Aalok Jagga, Advocate and
Mr. Abhinav Sood, Advocate for the petitioner.

Mr. Naveen Kaushik, Addl. A.G., Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.857 dated 05.08.2016, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Chandni Bagh, Panipat.

It is contended that the petitioner is a registered chemist, has been falsely implicated in the instant FIR at the instance of Madan Lal with whom he had financial dealing. While the petitioner was present at the petrol pump, Thana Bhawan, District Shamli, the said Madan Lal dragged the petitioner out of his vehicle and put him in his vehicle. The petitioner was abducted and brought to Panipat by

the police headed by ASI Dharak Inder Singh. The petitioner was allegedly kept in illegal custody for two days and was ultimately shown to be arrested on 05.08.2016. In this context, the FIR No. 0547 dated 10.09.2016, under Sections 420, 366, 406, 506 and 392 of IPC (Annexure P-7) was registered at PS Thana Bhawan, District Shamli in which police officials of Haryana Police were also accused.

On the other hand, the learned State counsel opposes the bail application and submits that FIR (Annexure P-7) registered in the State of U.P was subsequently cancelled and the same has nothing to do with the case of the petitioner. The petitioner was apprehended at Panipat by CIA Staff, Panipat with huge quantity of contraband.

I have heard learned counsel for the parties and perused the record.

It is to be noticed that the officials of Haryana Police were nominated as accused in FIR No. 0547 dated 10.09.2016, under Sections 420, 366, 406, 506 and 392 of IPC (Annexure P-7), registered at PS Thana Bhawan, District Shamli. From the call details, the presence of ASI Dharak Inder Singh is made out in the State of U.P., at the time of alleged abduction of the petitioner as is reflected in Annexures P-5 and P-6, the publication carried out in newspaper Amar Ujala and Shamli Jagran respectively and the FIR,

Annexure P-7, wherein a reference has come that a raid was conducted at medical store, Thana Bhawan by the Haryana Police. The petitioner is not involved in any other FIR; the investigation stands concluded; challan has been presented, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

21.12.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No