

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

**CRM-M-31118-2017 (O&M)
Date of decision: - 15.9.2017**

Brij Lal @ Vijay

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. Naresh Jain, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 173 dated 26.12.2016 under Sections 21/21C/22C/27A/61/85 of the NDPS Act, registered at Police Station Odhan District Sirsa (Annexure P-1).

Learned counsel for the petitioner submits that petitioner has in fact filed criminal complaint against one ASI Atma Ram and Kashmiri Lal, Sub Inspector, P.S. Odhan. The Sub Divisional Judicial Magistrate Dabwali, District Sirsa summoned the above said police officials vide order dated 16.4.2015 (Annexure P-2). Thereafter, petitioner has solemnized marriage with one Navjot Kaur on 13.8.2015 against the wishes of her parents and was granted protection by learned Sessions Judge, Sirsa vide order dated 13.8.2015. He further submits that on that account, parents of wife are also against the petitioner and in connivance with the police officials of same police station, i.e. P.S. Odhan has involved the petitioner in a false case.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 26.1.2016 and has already been acquitted in two other cases. He further submits that there is no one at his home to look after his wife and his minor child.

It is further submitted that prosecution evidence is going on and it will take long time in conclusion of the trial as the petitioner is in judicial custody for the last about 1-1/2 years.

Learned State counsel, on instructions from ASI Jai Singh, does not dispute the factual position but has opposed the grant of bail on the ground that in case the petitioner is released on bail, he may try to involve in such activities again.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sirsa.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

15.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No