

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

CRM-M No.26522 of 2018

DATE OF DECISION:03.07.2018

Ali Abbas

...Petitioner

Vs.

State of Haryana

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Balraj Sharma, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.444, dated 07.11.2016, registered under Sections 20/ 61/ 85 of the NDPS Act at Police Station Sadar Jind, District Jind, Haryana.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved in any manner. Nothing has been recovered from the petitioner. The FIR was registered and raid was conducted on the basis of secret information. The petitioner was stated to be present on the bus stand which is a very busy place but no efforts were made to join any independent witness which is in violation of provisions of Section 50, 52, 57 of the NDPS Act. Learned counsel also submits that the seal after its use was not handed over to any independent witness which makes the story of the prosecution doubtful. In such like situation there is possibility of tampering with the case property. The investigation has been completed and nothing is to be recovered from

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the petitioner. There is no other case pending against the petitioner and he undertakes to join the Court proceedings. All witnesses are official witnesses and there is no possibility that petitioner may influence the witnesses and tamper with the evidence. He is in custody since 07.11.2016.

Learned State counsel submits that petitioner is resident of Nepal and he may abscond from the Court proceedings and has opposed the submissions made by learned counsel for the petitioner keeping in view the commercial quantity effected from the petitioner.

Heard arguments of learned counsel for the parties and have perused the record.

Admittedly, the raid was conducted on the basis of secret information and no independent witness was joined from the locality even when the place of occurrence is closer to bus stand and adjoining to village but no independent witness was joined. Petitioner is having no criminal background as no other case is pending against him. He is in custody since 07.11.2016. All witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence in any manner.

Accordingly, the petition is allowed and petitioner is directed to be released on regular bail to the satisfaction of the trial Court on his furnishing heavy local surety to the satisfaction of the trial Court.

03.07.2018

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(DAYA CHAUDHARY)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No