

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.53809 of 2018 (O&M)
Decided on: 13.12.2018

Sumit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.452 dated 20.07.2018, for offence punishable under Sections 20 and 27-A of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 27-A of the NDPS Act added later), registered at Police Station Sadar Charkhi Dadri, District Charkhi Dadri.

Counsel for the petitioner has submitted that while granting regular bail to the co-accused of the petitioner namely Raj Kumar in CRM-M No.36515 of 2018, the following order has been passed by this Court:-

“...Counsel for the petitioner has submitted that the petitioner is in judicial custody since 21.07.2018 and he was not named by the secret informer as well as in the FIR. It is further submitted that the co-accused of the petitioner qua whom the secret information was received, had named the petitioner and on his disclosure statement,

the petitioner was arrested.

Counsel for the petitioner has further argued that the petitioner is not involved in any other case and conclusion of the trial will take some time.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from SI Naresh Kumar has argued that challan has been presented and charges have been framed, however, no witness of the prosecution has been examined, so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 3½ months; he is not involved in any other case; no witness of the prosecution has been examined yet and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.

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

Counsel for the petitioner has further submitted that the petitioner is in custody since 21.07.2018 and he is not involved in any other case. It is further submitted that the investigation is complete and even charges have been framed against the petitioner.

Counsel for the State, on instructions from ASI Naresh Kumar, and on the basis of the Custody Certificate filed in the Court today, has not disputed the factual position, however, opposed the prayer for bail.

Without commenting anything on merits of the case,

considering the fact that the petitioner is in custody since 21.07.2018; he is not involved in any other case; charges have been framed against the petitioner and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

13.12.2018

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