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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10608-2019
Date of decision-02.05.2019

Sunil

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jitender Kumar Sehrawat, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana assisted by
SI Jai Singh.

MANOJ BAJAJ, J.

Petitioner-Sunil has prayed for grant of regular bail in case FIR No.1233 dated 23.12.2018 under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1881 (in short 'NDPS Act') registered at Police Station Sadar Hisar, District Hisar. The petitioner is in custody since his arrest on 23.12.2018 (wrongly mentioned as 23.11.2018 in the petition).

The FIR was registered with the allegations that a secret information was received regarding involvement of Sandeep son of Satbir in selling drugs, who upon raid can be apprehended from his house. After completion of formalities, Police acted upon this information and recovery of 65 k.g. of poppy straw was effected from accused.

Learned counsel for the petitioner contends that the petitioner has been indicted subsequently on the basis of the disclosure suffered by his

brother, namely, Sandeep. It is further pointed out that another co-accused indicted on the same evidence, namely, Sanjay Kumar already stands released on anticipatory bail granted by this Court vide order dated 25.03.2019. It is contended that the petitioner and Sanjay Kumar were not present at the spot when the alleged recovery was effected.

On the other hand, learned State counsel assisted by SI Jai Singh opposed the bail application on the ground that the commercial quantity of contraband is recovered, however, it is not disputed that at the time of recovery, Sandeep alone was found with the contraband. According to him investigation of the case is complete.

Considering the above background of the case and the fact that his co-accused is on bail, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Hisar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

02.05.2019

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