

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11477-2019 (O&M)
Date of Decision:-1.7.2019

Virender @ Bandi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.442 dated 2.12.2018 registered at Police Station Purani Sabzi Mandi, Rohtak, District Rohtak under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The FIR was registered pursuant to a *ruqa* sent by Head Constable Yashvir, wherein it has been alleged that pursuant to receipt of a secret information to the effect that the petitioner Virender @ Bandi was indulging in sale of intoxicants, 'nakabandi' was held and the petitioner was apprehended, who was alleged to be carrying polythene bag containing 1.100 kilograms of 'charas'.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact he was picked up by the police on 1.12.2018 and thereafter the wife of the

petitioner received a telephone call from mobile No.82828-27411 and a demand of ₹30,000/- was made so as to save the petitioner from false implication. The learned counsel has submitted that the aforesaid matter was reported by the petitioner's wife to the police and pursuant thereto FIR No.763 dated 3.12.2018 registered at Police Station City, Rohtak under Sections 13/7 of Prevention of Corruption Act was lodged against Head Constable Yashvir. It has further been submitted that the petitioner was, however, implicated falsely on 2.12.2018 in the present case.

The learned State counsel, while opposing the petition, has submitted that since it is a case of recovery of 'commercial quantity' of contraband, no case for grant of regular bail is made out. It has, however, not been disputed that FIR No.763 dated 3.12.2018 was lodged against Head Constable Yashvir on the basis of complaint made by Smt. Neelam, wife of the petitioner.

Having heard the learned counsel for the petitioner and without commenting anything on the merits of the case and while also noticing the fact that the petitioner has been in custody since the last about seven months, the petition is accepted and the petitioner Virender @ Bandi is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

1.7.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge