

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

**CRM-M-41575-2018
Date of decision: 08.01.2019**

Haripal**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. G. S. Sandhu, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 131 dated 02.05.2018, registered under Sections 420/467/468/471 of the IPC and Sections 18/20/21 of the Narcotic Drugs & Psychotropic Substances Act at Police Station Taraori, District Karnal.

Learned counsel for the petitioner submits that as per the allegations in the FIR, a secret information was received that co-accused Amit is involved in forging Govt. documents and if a raid is conducted, he can be apprehended at the spot. On receiving such information, the police obtained search warrants from the office of SDM, Karnal regarding house of Parveen @ Monu who is stated to be the uncle of co-accused Amit and while conducting the search of the house of aforesaid Parveen @ Monu, recovery of certain articles and fake stamps and birth certificates was made.

Learned counsel for the petitioner further submits that during the course of search, the police also gave a notice under Section 50 of the

NDPS Act to co-accused Amit and thereafter, on conducting further search, recovery of Charas, Smack and Opium, as detailed in the FIR, was made.

Learned counsel for the petitioner further submits that the petitioner was neither present at the spot nor was mentioned in the FIR and only after the recovery was effected, in the disclosure of co-accused Amit, the name of the petitioner has surfaced. It is further submitted that even after the arrest of the petitioner, no recovery was effected from him.

Learned counsel for the petitioner further submits that the Additional Sessions Judge, while dismissing the bail application of the petitioner, has wrongly noticed the allegations which in fact pertains to co-accused Amit.

Learned State counsel, on instructions from ASI Subhash, has not disputed that the petitioner was nominated on the disclosure of co-accused Amit and nothing was recovered from the petitioner. Learned State counsel has further submitted that the report of the FSL is still awaited.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 07.05.2018 and the challan stands presented and also in view of the fact that trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

January 08, 2019

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*