

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

206

CRM-M-25330-2019 (O & M)
Date of Decision:04.06.2019

Dikshit Baria

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.138 dated 25.04.2019, under Sections 20, 29, 61 of the NDPS Act, registered at Police Station Sector-5, Panchkula.

The prosecution case is that on 25.04.2019 at about 6.30 pm when the police party was on patrolling duty, a young boy was standing alone along with Bullet Motorcycle towards back side of Shiraj Hotel, Sector-10 Panchkula, who on looking the police suddenly started his motorcycle. On suspicion, the young boy was stopped and captured by the police. At the same time, he threw the white colour polythene bag having in his right hand. On inquiry, the young boy disclosed his named as Gaurav Singh Saini. On inspection of the said polythene bag, charas weighing about 500 grams was found.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, who stood arraigned as an accused on the basis of disclosure statement suffered by co-accused Gaurav Singh Saini. According to the learned counsel, it was stated by Gaurav Singh Saini that the petitioner supplied him the alleged contraband. He further contends that no recovery of charas has been effected from the petitioner. He also contends that the investigation of the case is complete qua petitioner and he is not involved in any other case.

On the other hand, the prayer is opposed by learned counsel appearing on behalf of the State counsel, who is assisted by ASI Bhim Singh. However, it is not disputed that the petitioner is not named in the FIR and has been arraigned on the basis of disclosure statement of co-accused.

Considering the above background and the fact that the conclusion of trial will take considerable time, therefore, further detention of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

04.06.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No