

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

CRM-M-43334-2019 (O&M)

Date of Decision : October 18, 2019

Narender Kumar @ Gattu	Petitioner
Versus	
State of Haryana	Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.222 dated 23.8.2019 under Sections 22(c)/27A/61/85 of the NDPS Act, 1985, registered at Police Station Sadar Ratia, District Fatehabad.

Counsel for the petitioner submits that as per the allegations in the FIR, the police apprehended co-accused Ashok Kumar @ Kaka and from whom, 127 grams Alprazolam Altis in the shape of tablet and 7 kgs. of poppy husk was recovered. Counsel for the petitioner further submits that, later on, on the disclosure statement of co-accused Ashok Kumar, the petitioner was nominated.

Counsel for the petitioner further argued that the petitioner is a first offender and he is in custody since 24.8.2019 and the investigation is complete. He further submits that, in fact, the petitioner's father is doing the business in the village and there is a money dispute with the aforesaid

co-accused Ashok Kumar and on that pretext he has falsely implicated the petitioner in the case. Counsel for the petitioner also submits that the petitioner is a national level player of Kabbadi and has no antecedents of any such or similar activities.

Learned State counsel, on instructions from ASI Som Nath has not disputed the factual position and submits that the petitioner is not involved in another other case under the NDPS Act. He further submits that as per the custody certificate, the challan is yet to be presented.

Without commenting anything on the merits of the case, considering the fact that the petitioner was not arrested at the spot and was nominated on the disclosure statement of the co-accused, which is yet to be proved during the course of the trial and in view of the defence set up by the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

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**

October 18, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO