

CRM-M-61855-2018

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

CRM-M-61855-2018

Date of Decision:03.04.2019

Amit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sunil Saharan, Advocate,
for the petitioner.

Mr. Sharad Kumar Yadav, Deputy Advocate General,
Haryana.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.25 dated 03.03.2018, registered at Police Station Bass, (Hansi) District Hisar, under Sections 21 and 27(a) of the NDPS Act, 1985.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

Perusal of record shows that the present petitioner was not apprehended on the spot. As per the prosecution version, ASI Pawan disclosed that one person, who was also alongwith other co-accused, fled away from the spot by stating that he is going for urination.

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I have gone through the statement of ASI Pawan Kumar also. In his statement, he stated that Pawan Kumar ASI told him that 4th person was the present petitioner. In his statement under Section 161 Cr.P.C., ASI Pawan Kumar nowhere stated that he had identified that person and he can identify him in the Court etc., nor he has said anything regarding his complexion.

No recovery has been effected from the present petitioner, rather the same has been effected from the vehicle.

The petitioner has been in custody since 30.08.2018. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of case may take a long time.

In view of the peculiar facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case. Therefore, finding merit in the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above shall constitute my opinion on merits of the case.

03.04.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No