

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51010-2019

Date of Decision: 05.12.2019

Jai Ram @ Sonu

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.L. Saini, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.164 dated 01.07.2019, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Narwana, District Jind. He is in custody since his arrest on 01.07.2019.

The FIR was registered with the allegations that on 01.07.2019, when the police party was present near village Danora Kala in search of bad elements, two boys were seen coming on motorcycle. On seeing the police party, they tried to run away, but were apprehended. After following the procedure, the search was conducted and 500 grams of charas was recovered from the bag lying on the motorcycle, which was being driven by Parveen and Jai Ram @ Sonu was sitting on the back of it, and one country made pistol was recovered from accused Jai Ram @ Sonu.

Learned counsel for the petitioner contends that the petitioner was the pillion rider and the vehicle was being driven by co-accused, namely, Parveen. He submits that co-accused Aman has already been

granted the concession of regular bail by the trial Court. He further submits that the alleged contraband was recovered from the bag carried by co-accused Parveen, where from 500 grams of charas was recovered, which falls within the non-commercial quantity. He submits that from the possession of the petitioner, only country made pistol was recovered. According to him, the investigation of the case is complete and further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Kuldeep Singh, has opposed the prayer on the ground that the petitioner was found in the possession of country made pistol. He submits that the petitioner was the pillion rider and was travelling with co-accused Parveen and therefore, it would be a matter of trial that whether the petitioner was not in possession of the contraband. However, it is not disputed that co-accused Aman has been granted the benefit of regular bail by the trial Court.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further custody 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 Jind.

The petition is allowed.

05.12.2019

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No