

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

**CRM-M-681-2020
Date of decision: 17.01.2020**

Sadi Lal @ Shadi Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Isha Goel, Advocate for
Ms. Deepshikha Chauhan, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 143 dated 28.09.2018, registered under Sections 21 of the NDPS Act, 1985 at Police Station Nathu Sarai Chopta, District Sirsa. The first petition bearing CRM-M-53442-2019 was disposed of granting interim bail to the petitioner awaiting the report of FSL.

Learned counsel for the petitioner submits that after the receipt of the FSL report, the petitioner has surrendered before the trial Court on 10.09.2019 and he is in judicial custody since then.

Learned counsel for the petitioner relies upon order dated 05.12.2019 passed in CRM-M-44433-2019, vide which co-accused Mohan Lal was granted concession of regular bail by this Court while making following observations:

“Counsel for the petitioner has submitted that, as per the allegations in the FIR, the police on suspicion

apprehended 03 persons, coming in a car. The co-accused – Shaadi Lal @ Shaadi Ram was the driver of the car and one Prithvi was sitting on the co-driver seat and the petitioner was sitting on the rear seat of the car. Thereafter, the Investigating Officer served a notice upon all the 03 accused and the Deputy Superintendent of Police was called at the spot and from a box lying near the gear lever of the car, 285 gms of intoxicant powder was recovered. Counsel for the petitioner has further argued that since the petitioner was neither the owner nor the driver of the car, therefore, one of the moot point to be decided during the course of trial would be, as to whether the petitioner was in conscious possession of the contraband or not. It is further the case of the prosecution that the petitioner and two co-accused, have acquired the alleged contraband from Nigerian person namely John, however, he was not arrayed as an accused nor any investigation in this regard was done. Counsel for the State, on instructions from ASI Ram Singh, has not disputed the factual position but opposed the prayer for bail. It is further submitted that the petitioner is in custody for the last 07 months and 11 days and he is not involved in any other case. It is also argued that 06 prosecution witnesses have been examined out of 16 PWs.”

Learned counsel for the petitioner further submits that petitioner is not involved in any other case and the case is still at the stage of recording of prosecution evidence.

Learned State counsel, on instruction from ASI Sukhjit Singh, has not disputed the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering

the fact that petitioner was on interim bail awaiting the FSL report and he has surrendered back before the trial Court; co-accused has already been granted concession of regular bail as noticed above; the petitioner is not involved in any other case and also in view of the fact that conclusion of 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 to the satisfaction of the trial Court/Duty Magistrate concerned.

17.01.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No