

CRM-M-16955 of 2020
CRM-M-21166 of 2020

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207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16955 of 2020
Date of Decision : 17.08.2020

Mohan Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-21166 of 2020

Vicky ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision : 17.08.2020

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surender Saini, Advocate
for the petitioner in CRM-M-16955 of 2020.

Mr. Parminder Singh Sekhon, Advocate
for the petitioner in CRM-M-21166 of 2020.

Mr. Ambika Luthra, Addl. A.G. Haryana.

Harsimran Singh Sethi, J. (Oral)

By this common order, above mentioned two petitions are
being disposed of.

The present petitions have been filed by petitioners Mohan
Singh and Vicky under Section 439 Cr.P.C. for the grant of regular bail in
respect of FIR No.303 dated 14.05.2020 under Section 188 IPC and
Sections 21, 27(a) and 29 of the NDPS Act, 1985 registered at Police

Station Shivaji Colony, District Rohtak.

Learned counsel for the petitioners argues that the allegation of the recovery of Rs.11,37,300/- is from the motorcycle, which was being driven by Harbans Singh and nothing was recovered from the petitioners, who were sitting in a Maruti car and the petitioners have only been roped in on the basis of disclosure statement of Harbans Singh. Learned counsel for the petitioners further argues that there are no other cases pending against the petitioners and the petitioners have been falsely implicated in the present case.

Notice of motion.

Ms. Ambika Luthra, Addl. A.G. Haryana, who has joined the proceeding through video conference, keeping in view the service of advance copy of petitions, accepts notice on behalf of respondent-State.

Learned State counsel does not dispute that recovery of Rs.11,37,300/- was done from the motorcycle, being driven by Harbans Singh and the petitioners have only been roped in on the basis of disclosure statement of the said Harbans Singh. It is also conceded by the learned State counsel that there are no other cases pending against the petitioners.

I have heard learned counsel for the parties and perused the record with their able assistance.

Once, it is not disputed by the learned State counsel that no recovery of any banned substances or the money was effected from the petitioners and the petitioners have only been roped in due to the disclosure statement of Harbans Singh, the petitioners have made out a case for the grant of regular bail as the said disclosure statement of the co-accused is yet to be proved before the competent Court of law. Further, as the learned

State counsel has conceded that there are no other cases pending against the petitioners, the petitioners cannot be termed as habitual offenders. The challan has already been presented and in the challan as well as in the recovery memo, the recovery of the amount has been shown from Harbans Singh and not from the petitioners. That being so, no useful purpose will be served by keeping the petitioners behind the bars.

Without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the cases.

August 17, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No