

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM No. M-22208 of 2020
Date of Decision : 09.09.2020

Mohammad Arman

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Saini, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 539 dated 06.09.2019, under Sections 21/61/85 of NDPS Act, registered at Police Station Jind City, District Jind.

Learned counsel for the petitioner submits that two FIRs were registered against the petitioner on the same day. In one FIR i.e. FIR No. 539 dated 06.09.2019 (present case), the allegations against the petitioner is that the petitioner sold 200 gms. of Smack to one Randhir Singh for Rs.30,000/- and in the other FIR being FIR No. 541 dated 06.09.2019, the allegations against the petitioner is that the petitioner possessed 300 gms. of Smack and Rs.30,600/- which the petitioner had got after selling the Smack

to the co-accused in the present petition, namely, Randhir Singh. Learned counsel for the petitioner submits that as far as the allegations in the present FIR i.e. FIR No. 539 dated 06.09.2019 are concerned, no recovery has been made from the petitioner and the recovery of the contraband has been done from Randhir Singh and he has already been granted the benefit of bail by the learned Additional Sessions Judge, Jind vide order dated 09.12.2019.

Learned State counsel submits that the petitioner is involved in selling as well as possession of the Smack and once, there are two FIRs registered against the petitioner, petitioner is not entitled for the grant of bail.

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

As far as the allegations in the present FIR i.e. FIR No. 539 dated 06.09.2019 is concerned, where the petitioner has prayed for the grant of bail, the only allegation is for selling the contraband to co-accused, namely, Randhir Singh. The co-accused Randhir Singh from whom the recovery was done, has already been granted the benefit of bail. The allegations of selling the contraband to Randhir Singh by the petitioner are yet to be proved in the Court of Law.

As far as the allegation that there is an another FIR being FIR No. 541 dated 06.09.2019, the facts of the same case will be considered in case the petitioner applies for bail in the said case. The said allegations cannot be imported into the present FIR so as to decline the benefit of bail to the petitioner.

Keeping in view the fact that the co-accused, namely, Randhir

Singh to whom the recovery was effected, has already been granted the benefit of bail, the petitioner is also granted the benefit of bail in the present FIR only. The petitioner be released on regular bail in case he is not wanted in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

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 case.

September 09, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No