

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

CRM-M No.26815 of 2020

Date of decision : November 04, 2020

Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.104 dated 02.07.2020, registered under Sections 21(b) and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Narwana, District Jind.

It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. Nothing has been recovered from the petitioner or at the instance of the petitioner. The petitioner has been involved in the case only on the basis of disclosure statement of the co-accused, from whom recovery of non-commercial quantity of heroine has been effected. It is further submitted that the petitioner has been in custody since 16.07.2020. The challan has already been presented. Petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana accepts notice on behalf of the State.

It is submitted by the learned State counsel, being instructed by ASI Shyam Lal that the name of the petitioner has surfaced during interrogation of the co-accused, from whom 100 grams of heroine have been recovered. However, it is not disputed that except the disclosure statement of the co-accused, there is no other material against the petitioner collected during the investigation. It is also not disputed that there is no documentary evidence to connect the petitioner to the arrested co-accused or with the material recovered from her. It is also not disputed that the petitioner is in custody since 16.07.2020 and that he is not required for any investigation purposes.

It is pointed out by the learned State counsel that the petitioner is involved in two more cases of similar nature.

In response to this, learned counsel for the petitioner has submitted that the petitioner has already been acquitted in one of the two cases pointed out by the learned State counsel and in another case, he is already granted bail pending trial by the Court below itself.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

November 04, 2020

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No