

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

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**CRM-M-29157-2020(O&M)
Date of Order: 27.10.2020**

Vijay Soni

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lupil Gupta, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner-Vijay Soni son of Kashmiri Lal, prays for grant of bail pending trial in a criminal case arising from FIR No.220, dated 18.06.2020, registered under Section 21(b)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Fatehabad, District Fatehabad.

As per the case of the prosecution, Bablu and Baldev Kumar @ Babbu, were apprehended with 21grams of 'Heroin'. The petitioner is sought to be indicted as an accused on the statements of the aforesaid Bablu and Baldev Kumar @ Babbu, co-accused.

Learned counsel for the petitioner contends that apart from the disclosure statements, the prosecution has failed to collect any evidence. He contends that such disclosure statement shall not be admissible in evidence. He further contends that although, the petitioner is named as an accused in various cases, however, he has been granted the concession of bail.

A short reply by way of an affidavit of the Deputy Superintendent of Police, Fatehabad, has been filed, in which it has been pointed out that the petitioner is accused in FIR No.972, 150, 486, 1125 and 181. In all these FIRs, the petitioner is sought to be indicted as an accused on the disclosure statement of the person who were found in possession of prohibited substances.

The petitioner is in detention from 22.08.2020. On completion of the investigation, the challan has already been submitted before the Court. Thus, the prosecution has already completed its investigation.

Since, attention of the Court has not been drawn to any admissible evidence against the petitioner, therefore, in the considered view of this Court, he deserves to be granted the concession of bail.

The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in detention from 22.08.2020 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

October 27, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No