

S.No.215

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

CRM-M-29640 of 2020 (O&M)

Date of Decision:29.09.2020

Rakesh

.....Petitioner

Vs.

State of Haryana

.....Respondent

=====

IN VIRTUAL COURT

=====

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Saurabh Dalal, 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.459 dated 09.07.2020 registered under Section 20/29 of the NDPS Act, 1985 at Police Station City Rohtak.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner has been sought to be involved only on the basis of disclosure statement of co-accused, from whom 20 kg. of Ganja Patti is stated to have been recovered. However, the petitioner does not have any connection either with the arrested co-accused or with the material recovered from him. The petitioner is in custody since 09.07.2020. There is no other case against the petitioner.

Notice of motion.

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

Learned State Counsel, being instructed by SI Ashwani, has

submitted that the name of the petitioner has surfaced during the investigation through the disclosure statement of the co-accused, from whom the recovery has been effected. The name of the petitioner has been disclosed by the co-accused to be the supplier of the material recovered from the co-accused. However, it is not disputed that except the disclosure statement, there is no evidence available with the Police to connect the petitioner either to the said co-accused or to the recovered material. It is also not disputed that there is no other case against the petitioner and that the petitioner is in custody since 09.07.2020

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail during pendency of the trial, on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 29, 2020
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No