

RajuPetitioner
Vs.
State of HaryanaRespondent

CRM-M-36214-2020

RajbirPetitioner
Vs.
State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Mr.Vikas Chaudhary, Advocate,
for the petitioner in CRM-M-31008-2020.

Mr.Prateek Rathee, Advocate,
for the petitioner in CRM-M-36214-2020.

Mr. B.S.Virk, DAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

CRM-M-31008-2020

Learned counsel for the petitioner submits that the petitioner having been admitted to bail under the provisions of Section 167(2) of the Cr.P.C. this petition has been rendered infructuous.

Disposed of as such.

CRM-M-36214-2020

Learned counsel for the petitioner submits that though this petition has been filed under the provisions of Section 439 of the Cr.P.C., however, as a matter of fact the petitioner is now seeking bail under the provisions of sub section (2) of Section 167 of the Cr.P.C.

That prayer would not be maintainable even in terms of ratio of the judgment of the Supreme Court in **M. Ravindram vs. the Intelligence Officer, Directorate of Revenue Intelligence,** SLP (Crl.) No. 2333 of 2020, decided on 26.10.2020, with counsel for the petitioner very fairly admitting on query that in fact prior to an application being filed by

the petitioner under that provision an application seeking extension of time to submit the report under Section 173 Cr.P.C., had been filed by the public prosecutor.

However, on the merits of the matter he submits that even the alleged recovery made from the petitioner is only 5 kgs of poppy husk, with him having been in custody for 7 months and with the trial not progressing so far.

Upon query to learned State counsel he does not obviously deny the quantity of poppy husk alleged to have been recovered from the petitioner, or the period of custody, but submits that there are two other criminal cases registered against the petitioner, under the provisions of the Arms Act and under the provisions of the Prevention of Cruelty to Animals Act.

Having considered the matter, without making any comment whatsoever on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate, concerned.

A photocopy of this order be placed on the file of the connected case.

November 24, 2020

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO