

CRM-M-32107 of 2020
Date of Decision : 15.10.2020

...Petitioners

Versus

...Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Naveem Kumar Sheoran, DAG, 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 petitioners in respect of FIR No.257 dated 25.07.2020 under Section 17 of the NDPS Act, 1985 registered at Police Station Dabwali Sadar, District Sirsa.

Learned counsel for the petitioners argues that the recovery of 1 kg and 250 grams of opium was done from the truck, which was being driven by the petitioners. Learned counsel for the petitioners submits that the said truck does not belong to the petitioners and they were only the drivers of the truck and the said truck has been released on superdari to one Jaskaran Singh, who is an owner of the truck. Learned counsel for the petitioners further submits that the petitioners did not had any knowledge about the said contraband lying in the truck. Prayer of the petitioners is that

as the charges have already been framed and there are no other case pending against the petitioners, they be granted the benefit of regular bail.

Mr. Naveem Kumar Sheoran, DAG, Haryana, who has joined the proceedings through video conference submits that though, it is conceded that the truck does not belong to the petitioners and the recovery was done from the tool box of the truck but, once the petitioners were driving the said truck at the time of recovery, they cannot be absolved of the allegations alleged against them, though the recovered contraband is not of commercial quantity.

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

In the present case, the recovery of the banned substance, which is not of a commercial quantity, was done from the tool box of the truck, which does not belong to the petitioners. The factum, whether the petitioners were aware of the presence of the banned substance in the truck or not, will be proved during the trial. Once, it is conceded that there are no other case pending against the petitioners and charges have already been framed and the petitioners have undertaken before this Court for maintaining the good conduct while on bail, no useful purpose would be served by keeping the petitioners behind the bars, especially, when the trial is likely to take some time before it concludes. Therefore, the petitioners have made out a case for the grant of regular bail to them.

Without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioners undertakes that petitioners

will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded 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.

October 15, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No