

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(201)

CRM-M-33067-2020

Date of Decision: October 30, 2020

Harbans @ Kaka

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lalit Kumar, Advocate, for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.303 dated 14.05.2020 under Section 188 IPC and Sections 21, 27-A and 29 of the NDPS Act, 1985 registered at Police Station Shivaji Colony, District Rohtak.

Learned counsel for the petitioner argues that in the present case, no banned substance was recovered from the petitioner and only recovery done from the petitioner is of Rs.11,37,300/- and the respondent, without there being any recovery of banned substance, on the assumption that the said money is for purchasing the drugs, have imposed the sections of the NDPS Act, 1985, which is not permissible. Learned counsel for the petitioner submits that co-accused, namely, Ravi Singh has been granted the anticipatory bail by this Court vide order dated 30.09.2020 (Annexure P-5).

Learned counsel for the petitioner further submits that as the challan has

already been presented, no useful purpose will be served in keeping the petitioner behind the bars.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the parity, which the petitioner is claiming with the co-accused namely Ravi Singh, is misplaced as from co-accused Ravi Singh, neither the drugs nor the currency was recovered and it was under these circumstances, the benefit of anticipatory bail was extended to co-accused Ravi Singh by this Court. Learned counsel for the respondent further submits that as a large sum of money amounting to Rs.11,37,300/- was recovered from the petitioner and prima facie, the said money was to be used for purchasing the drugs, the prayer of the petitioner for the grant of regular bail may be declined. Learned counsel for the respondent-State further submits that the petitioner is already involved in another case for the violation of the NDPS Act.

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

Once, it is conceded that no banned drug was recovered from the petitioner in respect of the present FIR and only recovery is of cash, coupled with the fact that the co-accused has already been granted the benefit of anticipatory bail, the petitioner has made out a case for the grant of regular bail as the investigation is already over and the challan has

already been presented and no useful purpose will be served in keeping the petitioner behind the bars.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be kept behind bars in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, 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.

(HARSIMRAN SINGH SETHI)
JUDGE

October 30, 2020
harsha/naresh.k

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