

215

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.33621 of 2020 (O&M)
Decided on: 03.11.2020

Sandeep and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S.K. Bishnoi, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners in FIR No.232 dated 14.07.2020 registered under Sections 20, 27-A of the NDPS Act, at Police Station Sadar, Sirsa, District Sirsa.

Counsel for the petitioners has submitted that as per the allegations in the FIR, the police party got a secret information that the petitioner Rahim, Sandeep and Surinder Singh, are coming on a motorcycle bearing registration No.HR-22-Q-6696 and are piloting two other accused namely Rinku Kumar and Ram Lakhan, who are carrying Ganja Patti in another motorcycle bearing registration No.HR-2020-TEMP-9996. The police party way-laid them and the driver of the motorcycle bearing registration No.HR-2020-TEMP-9996 told his name as Rinku Kumar and the pillion rider of the same, told his name as Ram Lakhan. The driver of the other vehicle i.e. the motorcycle bearing registration No.HR-22-Q-6696, told his name as Sandeep and the person on the pillion rider seat of the same, told his name as

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Surinder Singh. The petitioner – Rahim allegedly jumped from the motorcycle and got himself injured and was admitted in hospital. Counsel for the petitioner has further submitted that after the arrest of the petitioners, the police recorded the disclosure statement of Rinku Kumar and Ram Lakhan and on their disclosure statements, one Arun was nominated as an accused, who has already been granted the concession of anticipatory bail vide order dated 10.09.2020 passed by this Court in CRM-M No.21661 of 2020. It is further argued that the investigation is complete and the recovery of 70 Kgs of Ganja from the co-accused Rinku Kumar and Ram Lakhan, falls under non-commercial quantity. It is also submitted that challan stands presented and during the investigation, the police has not collected any call details to connect the petitioners with the accused persons, from whom the recovery was effected.

Counsel for the State could not dispute the factual position that the petitioners, as per the allegations in the FIR, were piloting the second motorcycle from which the recovery was effected. It is also not disputed that the petitioners are in custody since 14.07.2020 and are not involved in any other case.

After hearing the counsel for the parties, considering the fact that the petitioners are in custody since 14.07.2020; challan stands presented; the custodial interrogation of the petitioners is not required; the co-accused of the petitioner has already been released on anticipatory bail and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety

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bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No