

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

CRM-M-34539-2020 (O&M)

Date of Decision:09.11.2020

Sarabjeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr.R.S.Mamli, Advocate for the petitioner.

Mr.Parveen Kumar Aggarwal, DAG, Haryana.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Petitioner prays for grant of regular bail in a pending case arising out of FIR No.0169 dated 21.04.2020 registered under Section 21(c) and 29 of the NDPS Act, Sections 188 and 269 IPC and Sections 25/54/59 of the Arms Act at Police Station, City Tohana, District Fatehabad.

The present case has been registered on the basis of a secret information that co-accused were bringing narcotics from Delhi in a Maruti Swift Car. When the co-accused were coming from the side of village Dangra on 21.04.2020, the police party signalled the driver of the Car to stop. After having searched the said vehicle, 938 gms of heroin was recovered. The allegation against the present petitioner is that he had given Rs.3 lacs to the co-accused for bringing the said narcotics.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that no recovery was effected from the petitioner and he was arrested merely on the basis of disclosure statement of the co-accused. He also submits that the petitioner is in custody since 27.08.2020 and he is not involved in any other case under NDPS Act.

Learned counsel for the State opposes the prayer of the learned counsel for the petitioner and submits that the present application for grant of regular bail to the petitioner be dismissed, keeping in view the facts and circumstances of the present case.

This Court has heard the learned counsel for the parties.

The petitioner was not arrested from the spot as the name of the petitioner cropped up only in the disclosure statement of the co-accused. The legality and sanctity of which, is to be examined during the time of trial. Admittedly, no recovery was effected from the petitioner. The question of payment of Rs.3 lacs is a matter of evidence. Moreover, the petitioner is in custody since 27.08.2020. Further, the final report under Section 173 Cr.P.C. stands presented and no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time keeping in view the prevailing pandemic situation.

Taking into consideration the totality of the facts and circumstances of the case, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

The petition is allowed.

(SANT PARKASH)
JUDGE

09.11.2020
mks

Whether speaking/reasoned:	Yes / No
Whether Reportable:	Yes / No