

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

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CRM-M-39456-2020 (O&M)

Date of decision : 02.12.2020.

Sunil @ Sheela

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Raj Kapoor Malik, Advocate, for the petitioner

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0186 dated 31.08.2020 under Sections 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS' Act for short) registered at Police Station City Safidon, District Jind, later on Sections 27-A, 61, 85 of the NDPS were added at the time of filing of challan.

Learned counsel for the petitioner would contend that the petitioner was not named in the FIR and was nominated only on the disclosure statement of the co-accused. It is further the contention of learned counsel for the petitioner that there is no recovery effected from him and the only recovery effected i.e 1 kg 980 grams of *ganja* is from the co-accused, who has since been released on bail by the Trial Court. It is further the contention that the bail has been denied to the petitioner only on the ground that there are two other cases pending against the petitioner. It is further the contention that in those two cases the petitioner is already on bail and he has not misused the concession of bail granted to him in those two cases.

Notice of motion.

On the asking of the Court, Mr. Naveen Singh Panwar, DAG, Haryana has put in appearance on behalf of the State through video conferencing and accepts notice. He, on instructions from ASI Raj Kumar, is not in a position to deny the fact that there is no recovery from the petitioner and that the petitioner has only been nominated on the disclosure

statement of the co-accused, who has since been granted bail by the Trial Court. He has further stated on instructions that the petitioner, who is on bail in the other two cases, has not misused the concession of bail in those cases.

I have heard the learned counsel for the parties.

In the present case, the petitioner has only been nominated on the basis of a disclosure statement of the co-accused who has since been granted bail by the Trial Court. No recovery was effected from the petitioner. The challan in the present case has been presented. No useful purpose would be served by keeping the petitioner in custody any longer.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

December 02, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No