

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38649-2019

Date of Decision: 09.01.2020

Jai Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manjot Kaur, Advocate for
Mr. Satnam Singh Gill, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.969 dated 22.09.2018, under Section 20 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Hisar, District Hisar. He is in custody since his arrest on 22.09.2018.

The FIR in the present case was registered on the basis of secret information that a canter bearing No.HR-21F-0291 was coming from Raipur to Hisar and the persons sitting in the said vehicle had huge quantity of “Ganja”. On receiving the information, a raid was conducted and canter along with 6 persons were apprehended and one accused, namely, Baljit ran away from the back side of the canter. Three persons, namely, Rajender @ Nadu, Jai Singh and Harish @ Pawwa, were sitting in the cabin of the canter and three accused, namely, Rajbir s/o Sher Singh, Sohan Lal @ Zora and Rajbir s/o Ram Kumar were sitting on the tarpaulin, back side of the canter and 9 quintals of Ganja in 30 bags had been recovered beneath tarpaulin

back side of the canter.

Learned counsel for the petitioner contends that the alleged contraband was recovered from canter bearing No.HR-21F-0291, which was being driven by Rajender @ Nadu and he petitioner was stated to be travelling in the said vehicle. She submits that the petitioner was not at all in conscious possession of the alleged contraband, she submits that three accused were sitting in the rear part of the vehicle and all of them have also been made accused. She submits that only 2 witnesses have been examined out of total 15 witnesses and the trial is likely to consume considerable time and, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel, who is assisted by SI Vishwajeet has opposed the prayer, however, it is not disputed that only 2 witnesses have been examined out of total 15 witnesses.

Considering the custody of the petitioner and keeping in view the pace of the trial, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Hisar.

The petition is allowed.

09.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No