

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

CRM-M-39338-2019

Date of Decision : January 16, 2020

Lakha Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Satbir Singh Gill, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR No. 287 dated 26.7.2019 under Sections 22/61 and 27-A of the NDPS Act, 1985, registered at Police Station Rania, District Sirsa.

Counsel for the petitioner submits that while granting regular bail to co-accused Deshraj in CRM-M-43155-2019 vide order dated 17.10.2019, the following observation was made :-

“Learned counsel for the petitioner submits that in fact, the petitioner was arrested in FIR No.286 dated 26.7.2019 registered under Section 27 of the NDPS Act,

in the same Police Station, in which recovery of non-commercial quantity of Tramadol capsules was effected. However, he was nominated in the present FIR No.287 on the basis of disclosure statement of co-accused, who was also arrested at the spot. Learned counsel has relied upon the order dated 27.9.2019 passed in CRM-M-40907-2019 vide which the petitioner has been granted the concession of regular bail in FIR No.286 by observing that he was also involved in the present FIR No.287 on the same day.

Learned State counsel, on instructions from ASI Inder Sain has not disputed the factual position and as per the custody certificate dated 16.10.2019 filed in the Court today, the petitioner is in custody since 26.7.2019.”

Counsel for the petitioner has further submitted that the accused arrested at the spot named aforesaid Deshraj and after his disclosure statement Deshraj was arrested and the name of the petitioner surfaced in his disclosure statement. Counsel further submits that the petitioner is in custody since 7.7.2019; the investigation is complete; the challan stands presented and, at present, he is not facing any trial. Counsel for the petitioner has further submitted that on the same day in a similar manner one more FIR No.286 was also registered in the same Police Station.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual position.

Without commenting anything on the merits of the case; considering the submissions made by counsel for the petitioner and the fact that the petitioner is in custody since 7.7.2019, the present petition is allowed and the petitioners are directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

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

(ARVIND SINGH SANGWAN)
JUDGE

January 16, 2020
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO