

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

221

CRM-M-50530-2019
Date of decision: 28.01.2020

Rano

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Vandana Sharma, Advocate for
Ms. Monisha Lamba, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition (first) under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.239 dated 10.09.2019 under Sections 22(b) and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act") registered at Police Station Ratia, District Fatehabad.

Learned State counsel has appeared and opposed the bail application in terms of the reply filed today in Court.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case on the basis of disclosure statement of co-accused Saurabh @ Kala which is not admissible in the eyes of law. Nothing was recovered from the petitioner. The provisions of Section 37(1)(b) of the NDPS Act are not

attracted in the present case. The petitioner is facing trial in another cases under the NDPS Act but he is already on bail in that case. The trial is likely to take long time. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner committed serious offence of keeping the prohibited contraband in violation of the provisions of the NDPS Act and does not deserve the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and material against the petitioner, period of custody of the petitioner, non-applicability of the rigors of Section 37(1)(b) of the NDPS Act qua the petitioner and the fact that the trial is likely to take a long time but without meaning to comments on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case of commission of any offence under the NDPS Act by the petitioner in future, his bail in the present case shall also be liable to be cancelled on filing of application in this regard.

28.01.2020

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(ARUN KUMAR TYAGI)
JUDGE

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