

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

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**CRM-M No.52934 of 2019 (O&M)
Date of Decision:- 23.01.2020**

Madan

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Ms. Sharmila Sharma, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.514 dated 15.08.2019, registered under Section 20 of NDPS Act, 1985 at Police Station Samalkha, District Panipat.

As per allegations, the FIR was registered on the basis of secret information. Co-accused Rajesh was apprehended with 330 Kgs. of 'Ganja Patti' which was lying in plastic bags in a room constructed in the field belonging to one Pala. On seeing the police party, one of the person fled away from the spot. Name of

the petitioner came to be disclosed by the co-accused Rajesh who was apprehended from the spot. Co-accused stated before the police that the contraband lying in the bags belongs to the petitioner.

Petitioner has not been arrested from the spot and no recovery has been effected from his possession. During investigation, the owner of the plot is found to be one Ishwar and not Pala. Evidently, the recovery has not been effected from conscious position of the petitioner. The land was alleged to be on lease with the petitioner but no lease deed has been collected by the police.

Learned counsel for the petitioner states that non compliance of Section 42 (2) of the NDPS Act shall remain debatable with regard to the alleged complicity of the petitioner.

Learned State counsel on instructions from SI Subhash states that though there is no written lease deed in favour of the petitioner but it is a common practice that oral lease can be given in rural areas.

Charges have not been framed, so far. The supplier of the contraband namely Manik has also been arrested.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his

furnishing adequate bail bonds/surety bonds to the satisfaction of
Trial Court/Duty Magistrate, Panipat.

Nothing expressed hereinabove shall be construed to
be an opinion on merits of the case.

23.01.2020

geeta

**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No