

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-2624 of 2021

Date of Decision: 27th January, 2021

Manoj

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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.161 dated 02.08.2020 under Sections 22(c) and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Garhi, District Jind, Haryana.

Learned counsel for the petitioner would contend that neither the petitioner has been named in the FIR nor apprehended at the spot and that the petitioner has been nominated on the statement of the co-accused and there is no recovery which has been effected from him. It is further contended that there is no other case pending against the petitioner. In support of his contention, he has relied upon judgments of Hon'ble Supreme Court in cases **Surinder Kumar Khanna vs. Intelligence Officer Directorate of Revenue Intelligence, 2018 (8) SCC 271** and **Toofan Singh vs. State of Tamil Nadu, 2013 (4) RCR (Criminal) 631.**

Learned State counsel on instructions from ASI Radhey Shyam states that recovery in the present case is of 6 kgs 519 gms of Tramadol. However, she is not in a position to deny the fact that there is no recovery which has been effected from the petitioner and that he has been nominated only on the disclosure statement of the co-accused. It has further been stated that there is no other case pending against the petitioner

In view of the above and without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. 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 also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

(ALKA SARIN)
JUDGE

27th January, 2021
jk

NOTE: Whether speaking/non-speaking: **Speaking**
Whether reportable: YES/NO