

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

CRM-M-3046 of 2021

DECIDED ON: 27th JANUARY, 2021

Barkat Sekh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petitioner is before this Court for regular bail in case FIR No. 315 dated 7.9.2020 under Section 21(c), 29 (1) NDPS Act, 1985, and 34 IPC, registered at Police Station City Sohna, Gurugram.

The facts in narrow compass are that on the basis of a secret information, a car bearing registration No.HR-26-ED-5928 was checked on 7.9.2020 and 798 grams of smack was recovered from Minarul, Mojidar Shekh and Majnu. In disclosure statement of Minarul it came that smack was supplied by Maru Sekh, Barkat Sekh and Haider. On the basis of disclosure statement the petitioner was nominated.

Learned counsel for the petitioner submits that the petitioner is in custody since 12.9.2020, challan has been filed, no recovery is to be made and no useful purpose would be serving by keeping the petitioner behind bars.

Learned State counsel on instructions from ASI Nasir Hussain submits that the allegations against the petitioner are serious and as per the disclosure statement he was one of the supplier.

Considering that no recovery has been made from the petitioner; challan stands presented but conclusion of trial is likely to take time and the name of this petitioner surfaced in the disclosure statement, the petitioner is granted bail subject to his furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27th JANUARY, 2021
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>