

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.4814 of 2021 (O&M)
Date of Decision.23.03.2021
(Heard through VC)

Rahish Ahmad

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.140 dated 30.10.2019 under Sections 20, 27A & 29 of the NDPS Act and Section 216 IPC registered at Police Station Jhansa, District Kurukhsetra.

Counsel for the petitioner herein would contend that the petitioner has been nominated as an accused on the basis of a disclosure statement of one Taiyab Khan, who has already been allowed regular bail by this Court in CRM-M No.2014 of 2020 vide order dated 10.08.2020. He would also rely upon the judgment of Coordinate Bench passed in CRM-M No.45029 of 2018 titled as *Roshan Kumar and another Vs. State of Haryana* on 31.02.2019 wherein it has been held that being in possession of *ganja* leaves would not construe any offence under the NDPS Act.

Learned counsel appearing for the respondent-State opposes grant of bail to the petitioner by contending that the judgment as relied upon by the petitioner would not be applicable to the facts of the present case,

since the report received from forensic science laboratory Haryana, Madhuban, Karnal shows that *ganja* leaves were fruiting and therefore, would fall under the NDPS Act, however, she does not dispute the fact that petitioner was nominated as an accused on the basis of statement given by a co-accused, who is already on bail.

I have heard learned counsel for the parties. Keeping in view the fact that the petitioner has been nominated in the FIR on the basis of a disclosure statement made by a co-accused, who has already been granted concession of regular bail by this High Court and the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

March 23, 2021

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No