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

CRM-M No.5512 of 2021 (O&M)

Date of decision: 04.03.2021

Mangal Saini

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Cuccria, Advocate
and Ms. Menka Gupta, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.598 dated 19.12.2020, for offence punishable under Sections 22(C), 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Tohana, District Fatehabad.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of the Investigating Officer while on patrol duty, he apprehended a motorcycle rider, who informed his name as Shiv Shakti @ Shibu and he was given a notice under Section 50 of the NDPS Act and in the presence of a Gazetted Officer, 600 tablets in the shape of 60 strips of Tramadol were recovered from him. Counsel for the petitioner has further submitted that the petitioner was not named in the FIR and it is only on the disclosure statement of the co-accused that the name of the petitioner

has surfaced in the case.

Counsel for the petitioner has further argued that the petitioner was earlier involved in FIR No.29 dated 17.03.2006, in which he already stands acquitted. Lastly, it is submitted that the petitioner is in custody for the last 02 months and 14 days and no other case is pending against him.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 months and 14 days; the petitioner was nominated in the case on the basis of the disclosure statement of co-accused; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

04.03.2021

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No