

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-8760-2021 (O&M)

Date of Decision : August 12, 2021

Sarvjit Kaur

.. Petitioner

Versus

State of Haryana

.. Respondent

(207)

CRM-M-27732-2021

Amandeep Singh @ Amna

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.S. Jetley, Advocate, for the petitioner,
(in CRM-M-8760-2021).

Mr. Sandeep Singh Jattan, Advocate, for the petitioner,
(in CRM-M-27732-2021).

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, with
Mr. Karan Garg, AAG, Haryana.

Mr. R.K. Doon, Advocate, for the complainant,
(in CRM-M-27732-2021).

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-5422-2021 in CRM-M-8760-2021

The application is allowed, as prayed for.

CRM-M-8760-2021 and CRM-M-27732-2021

By this common order, two petitions under Section 439 Cr.P.C

for the grant of regular bail to the petitioners arising out of the same FIR

No.96 dated 27.05.2020 registered under Sections 21, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Babain, District Kurukshetra, are being disposed of.

Learned counsel for the petitioners argues that the petitioners have been falsely implicated in the present case by the police, which is clear from the facts, that as per the FIR, there were four occupants in the car and the driver of the car, after noticing a naka by the police, turned the car into *kaccha path* so as to escape from police but police chased the said car and were able to catch hold of the car as well as its occupants and thereafter, upon search, recovery of 45 grams of heroin was done by the police, which contraband according to the police, was lying on the dash board of the vehicle. Learned counsel for the petitioners submits that the quantity of contraband which has been recovered from the petitioners is not commercial in nature and the facts and circumstances show that the petitioners have been falsely involved in this case.

Learned counsel for the petitioners argues that in case the petitioners were carrying 45 grams of heroin in the car, the same could have been easily thrown outside the car when being chased by the police and no prudent person will keep the drugs in the dash board even while running away from police so as to get the same recovered immediately.

Learned counsel for the respondent-State submits that the allegations alleged in the FIR is the police version, which will be proved during the trial but concedes that the recovery of the contraband done in the present case is of intermediate quantity and was done from the dash board of the car.

Learned counsel for the respondent-State further submits that the petitioners are also involved in another case of violation of the NDPS Act. Learned counsel for the petitioners responded that the petitioners are already on bail in the said case, which has been registered against him/her.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged in the FIR will be proved during the trial and this Court will not like to opine on the merits of the case at this stage whether the petitioners are being prosecuted with malous or mala fides. The quantity of banned drugs which has been recovered from the petitioners is not commercial quantity but is intermediate quantity and the petitioners are behind bars for the last more than one year and two months. The trial is likely to take some more time before it concludes even though the investigation is already over and the challan has already been presented in the Court.

I am of the opinion that no useful purpose will be served in keeping the petitioners behind the bars in the facts and circumstances of this case.

Keeping in view the above, the petitioners have made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioners undertakes that petitioners will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to

approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 12, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No