

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

CRM-M-10893-2021

Date of decision:28.09.2021

Wasim

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S. Dinarpur, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Status report, by way of an affidavit dated 21.09.2021 of Deputy Superintendent of Police, Palwal along with Annexure R-1, filed in the Registry, is taken on record.

Through this second petition under Section 439 Cr.P.C., the petitioner seeks regular bail in case bearing FIR No.138 dated 08.08.2020 registered under Sections 20 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Utawar, District Palwal.

Learned counsel for the petitioner states that the petitioner has falsely been involved in this case. The alleged recovery was effected from the Alto car, which was being driven by co-accused Majlis, whereas the petitioner was sitting on the passenger seat. The aforesaid recovery has been planted upon the petitioner. It is further submitted that co-accused, namely, Saikul, Wasim son of Rehmat and Rukmuddin, have already been granted regular bail by the trial Court vide orders dated 04.09.2020 and 08.09.2020 (Annexures P-3 and P-4), respectively. The challan has been presented. The petitioner has been in custody since 08.08.2020 and there is no other case registered or pending against him.

Learned State counsel, while opposing the prayer for grant of regular bail, does not dispute the custody period of the petitioner and the fact that the challan stands already presented. However, he points out that

the recovery effected from the Alto car falls under the commercial quantity. The charges have been framed against the petitioner. It is further submitted that out of 20 prosecution witnesses, no witness has been examined so far.

I have heard the learned counsel for the parties.

In the present case, the alleged recovery was effected from the Alto car, which was being driven by co-accused Majlis. The petitioner was sitting on the passenger seat. The co-accused, namely, Saikul, Wasim son of Rehmat and Rukmuddin, have already been granted regular bail by the trial Court. Post presentation of the challan, the charges have already been framed. Out of 20 prosecution witnesses, no witness has been examined so far. The petitioner has been in custody since 08.08.2020 and there is no other case registered or pending against him. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

28.09.2021

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No