

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12684-2021 (O&M)
Date of decision: 03.11.2021

Mahender Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Satbir Gill, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.122 dated 30.04.2020 under Section 22/61/85 of NDPS Act and Section 188 IPC, registered at Police Station Ellenabad, District Sirsa; earlier one was disposed of vide order dated 18.02.2021.

Learned counsel for the petitioner submits that earlier the petitioner filed a petition, in which interim bail was granted awaiting the FSL report, and the same was disposed of vide order dated 18.02.2021, after receiving the FSL report and the petitioner surrendered back and during that period, he has not misused the concession of interim bail. It is further submitted that as per allegations in the FIR, registered at the instance of ASI Anil Kumar, while on patrol duty, a person was seen coming on feet carrying a polythene bag in his

hand and on seeing the police party, he thrown the polythene bag and tried to run away. Some strips were scattered and with the help of co-official, the Investigating Officer apprehended him and disclosed his name as Mahender Kumar. From checking, 360 capsules of Parvorin Spas Tramadol Hydrochloride were found in his possession. It is also submitted that a perusal of the FIR would show that after effecting the recovery, intimation was sent to the police station, therefore, it will be a matter of trial whether Section 42 of NDPS Act was complied with or not.

Learned counsel has further submitted that the petitioner is in custody for the last 11 months and 05 days and recovery from him would fall in non-commercial quantity and no prosecution witness has been examined so far.

Learned State counsel has filed the custody certificate dated 02.11.2021 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No