

CRM-M-15203-2021 (O&M)
Date of Decision: 12.08.2021

Pardeep @ Pardeep Poonia ... Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Pratham Sethi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking regular bail in FIR No. 0088 dated 10.03.2020 under Section 20(b) (Section 27-A added later on) of NDPS Act, 1985, registered at Police Station Bhuna, District Fatehabad.

Brief facts are that the police on 10.03.2020, during the routine checking apprehended Gurjeet @ Gittu and Geja, there was recovery of 18 kg 200 grams of *Ganja* from their possession. The petitioner was named in a disclosure statement of the co-accused stating that the *ganja* recovered was supplied by him.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, no recovery was made from the petitioner. Petitioner is in custody since 17.02.2021. The main accused have been granted default bail under Section 167(2) Cr.P.C. due to non receipt of FSL report.

Learned State counsel relies upon the pleadings of the reply filed. She states that the matter was enquired into and the Investigating Officer was awarded a punishment of censure, as due to his lapse the main accused got the default bail. She further opposes the prayer for regular bail on the ground that the petitioner is involved in ten more cases.

Learned counsel for the petitioner submits that the petitioner was acquitted in seven cases and is on regular bail in three cases.

In the case in hand, the investigation is complete, challan stands presented, no recovery is to be made from the petitioner. The main accused are on bail and conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

12.08.2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No