

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

CRM-M- 18776-2021 (O&M)

Date of Decision: May 24, 2021

Naresh Kumar and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B. S. Saroha, Advocate
for the petitioners.

Mr. Vikas Kashyap, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for grant of regular bail to the petitioners in case FIR No.54 dated 11.02.2021 under Section 18 and 29 of the NDPS Act registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioners would contend that the petitioners have been falsely implicated in the said matter, while further contending that Naresh Kumar-petitioner No. 1 was nominated as an accused on the basis of a disclosure statement made by one Manoj Kumar, who was arrested at the spot with 170 grams of opium. Thereafter, Manoj Kumar nominated petitioner No. 2 -Ravinder Kumar Giri alia Raju also, due to which he got arrested. It is further submitted that the whole recovery was

effected from the said Manoj Kumar, who had already been granted regular bail by this Court in CRM-M-16949-2021 vide order dated 28.04.2021 and nothing was recovered from the petitioners herein. The investigation is complete and the challan stands presented, therefore, prayer is made for concession of regular bail to the petitioners.

Learned counsel appearing for the respondent-State opposes grant of bail to the petitioners by contending that the petitioners are habitual offenders as there are several other FIRs pending against them.

I have heard learned counsel for the parties. Keeping in view the fact that alleged recovery had been effected from Manoj Kumar and not from the petitioners herein and the fact that alleged recovery from Manoj Kumar is too of non-commercial quantity and the challan already stands presented and the trial is likely to take some time to conclude, as owing to COVID-19 pandemic, only urgent matters are being heard in the trial Courts, no useful purpose would be served in keeping the petitioners behind bars. The instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

24 May, 2021

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No