

CRM-M-20520-2021

Date of decision : May 26, 2021

SUNNY

.....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioners pray for bail pending trial in FIR No. 130 dated 19.03.2021 under Section 20 Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – ‘NDPS Act’) registered at Police Station City Fatehabad, District Fatehabad.

As per allegations in the FIR, petitioner alongwith co-accused Harman Singh alias Gerry were apprehended on the basis of suspicion by the patrol party. Recovery of 1 kg 150 gms *ganja* was allegedly effected from the petitioner. Learned counsel for the petitioner submits that apart from the petitioner being falsely implicated, alleged recovery is non-commercial. Petitioner, it is submitted, is not involved in any other criminal case under the NDPS Act though he is involved in two other FIRs, one under the Excise Act and another under Sections 323, 341, 427, 506/34 IPC in which he is on bail. He stands acquitted in FIR No. 416 dated 12.11.2016 under Sections 323, 324, 506/34 IPC. It is argued that similarly situated co-accused namely Harman Singh @ Gerry has been afforded bail by the learned trial Court whereas the same has been declined to the petitioner in an arbitrary manner. It is, thus, prayed that present petition be allowed.

Heard, learned counsel for the parties.

Learned counsel for the State is unable to deny that quantity of narcotic (*ganja*) allegedly recovered from the petitioner and the co-accused is non-commercial i.e. 1 kg 150 gms of *ganja*, commercial quantity being 20 kgs and above. Learned counsel for the State, on instructions from ASI Suman Lata, Police Station Ambala city further verifies that the petitioner though involved in the cases as mentioned in the foregoing paras, is not involved in any other case under the NDPS Act. Challan/final report under Section 173 Cr.P.C. stands presented.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

May 26, 2021
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No