

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20781-2021
Date of Decision: 28.05.2021

Onkar Lal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. K.S. Dhaliwal, Advocate,
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.69 dated 13.03.2021, under Section 18(c) of the NDPS Act (Sections 27-A and 29 of the NDPS Act added later on), registered at Police Station Cheeka, District Kaithal.

2. It is argued by Ld. Counsel for the petitioner that no contraband was directly recovered from the petitioner and that his name has transpired from the disclosure statements of the co-accused persons.

3. Ld. State Counsel nevertheless opposes the prayer for bail of the petitioner by submitting that he happens to be involved in another case under the NDPS Act, being FIR No.54 dated 14.03.2021, registered at Police Station Siwan. If that be so, the petitioner's involvement in the other case pertains to

an FIR which was drawn up after the present FIR dated 13.03.2021, in which he was actually arrested on 27.03.2021.

4. As such at this stage, the mere fact that the petitioner has been implicated in a subsequently drawn FIR, following his arrest in the present case, is no ground to detain him any further in the present case, when actually no contraband was recovered from him. Consequently, the present petition is disposed off and the petitioner is permitted to be released on regular bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned, who in his discretion is at liberty to impose appropriate stringent conditions regarding the bail terms considering the fact that the petitioner otherwise happens to be a resident of a different State.

28.05.2021*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No