

203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
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CRM-M-21027-2021

Date of Decision: 11.06.2021

RAJESH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 380 dated 25.12.2020 under Sections 15/27-A of the NDPS Act, registered at Police Station Agroha, District Hisar.

Precisely, the aforesaid FIR has been registered in pursuance of recovery of 10 kg of poppy husk from Suresh @ Kala (Co-accused).

It has been stated by learned counsel for the petitioner that no recovery has been effected from him, he has been nominated on the basis of disclosure statement of Suresh @ Kala (Co-accused), his arrest has been effected on 31.03.2021, the investigation of the case is complete and challan has already been presented in the Court. Furthermore, at present, no other criminal case is pending against him.

Custody certificate has been placed on record.

Learned State counsel, on instructions from ASI Gurpreet Singh, has not disputed the aforesaid factual aspect of the matter. Even

custody certificate indicates that the petitioner has been convicted under Section 174-A IPC in the case bearing FIR No. 166 of 2014, Police Station City Fatehabad and has undergone the sentence. Furthermore, in other cases i.e. FIR No. 557 of 2012 under Sections 323/325/34 IPC, Police Station Sadar Hisar and FIR No. 79 of 2013 under Section 18 of the NDPS Act, Police Station City Fatehabad, he has been acquitted.

Keeping in view the fact that no recovery has been effected from the petitioner, he has been nominated on the basis of disclosure statement of co-accused-Suresh @ Kala, investigation of the case is complete, the challan has already been presented in the Court and conclusion of trial is likely to take some time on account of restricted hearing of the Courts due to Covid-19 Pandemic, sufficient grounds are made out to extend the concession of bail to the petitioner.

Accordingly, without making any comment on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate/Trial Court.

11.06.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No