

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRM-M-23652-2021
Date of Decision: 16.09.2021

Satyam Tiwari

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Yuvraj Francis, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Pursuant to the order passed by this court on 30.06.2021, an affidavit has been filed by the Assistant Commissioner of Police, Sadar, Gurugram, dated 10.08.2021, which is ordered to be taken on record (that inadvertently not having been done on the last date of hearing, i.e. 13.09.2021.)

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner, on FIR No.344, dated 23.04.2021, having been registered at Police Station Sadar, District Gurugram, for the alleged commission of offences punishable under Sections 18(c), 27(b)(ii), 18-A, 27-D of the Drugs & Cosmetics Act, 1955 and Section 53 of the Disaster Management Act, 2005 and Sections 420, 34

and 120-B of the Indian Penal Code.

On 13.09.2021, the following order had been passed by this court:-

“Case heard by video conference.

Learned counsel for the petitioner having addressed some arguments, learned State counsel in reply thereto has pointed to the affidavit filed by the ACP, Sadar, Gurugram, wherein it has been stated that the petitioner and his co-accused were apprehended at the spot selling an oxygen cylinder for an amount of Rs.90,000/-, after a decoy customer from the Chief Ministers' Flying Squad had contacted one of the co-accused on mobile phone and struck a deal for that amount for the said oxygen cylinder, which otherwise sells for Rs.12,000/-.

I would see absolutely no reason in the aforesaid circumstances to continue with this petition any longer, but simply because it is well past court time and Mr.Aneja has submitted that the lead counsel is Mr. Yuvraj Francis, adjourned to 16.09.2021.

To be shown in the urgent motion and to be taken up as the second case of the day.”

Today, upon this court having asked learned counsel for the petitioner to produce any document to show that he was actually only a trainee with one of his co-accused, 'Dr. Megha' (whose surname also learned counsel for the petitioner does not know), he submits that there is no documentary evidence on that, with there however being also no documentary evidence with the State that the petitioner was an employee of those who are his co-accused, or that he received any payment from them; and hence simply because he was present along with them to help them unload a cylinder as he had been requested (being a young person), he cannot be accused of being complicit in the commission of any offence.

When this court was still not inclined to admit the petitioner to

bail in the absence of any documentary evidence to show that he was a trainee, learned counsel submits that the petitioner was actually a juvenile and therefore he wants to withdraw this petition with liberty to approach the Juvenile Justice Board concerned by way of a similar petition.

Dismissed as withdrawn with the aforesaid liberty, but with this court making absolutely no comment whatsoever either on the merits of the case, or with regard to the petitioner being a juvenile (or not a juvenile), which naturally would be needed to be proved by him before the Juvenile Justice Board.

The interim order stands vacated.

(AMOL RATTAN SINGH)
JUDGE

16.09.2021
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No