

203.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-29881-2021

Date of Decision: 11.11.2021

(Heard through VC)

VIJENDER KUMAR

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.250, dated 26.05.2021, registered under Section 21 of NDPS Act, 1985 at Police Station Sirsa City, District Sirsa.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said FIR. He is in custody since 26.05.2021. It is contended that in fact no recoveries have been effected from him or his motorcycle as would be evident from the FIR itself. It is submitted that in fact the recovery has been made from one Ramesh Kumar who was allegedly carrying contraband in his pocket which when recovered weighed a total of 130 grams of heroin along with white foil. It is argued that even the

recovery is non-commercial in nature. Counsel would also argue that the custody of the petitioner would no longer be required as the matter stands investigated and the charges have been framed and, therefore, he would not be in a position to influence the investigation in any manner whatsoever.

On the other hand, learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail by contending that the petitioner herein, though not carrying the alleged contraband, was a driver of the vehicle on which Ramesh Kumar was riding pillion.

After having heard learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 26.05.2021, the matter stands investigated, charges have been framed and the trial in the case will take time to conclude, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

11.11.2021
sanjeev

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