

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

211

CRM-M-31816-2021

Date of Decision : October 14, 2021

WAZIR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Lalit Kumar, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.201 dated 17.05.2021 under Section 20 of NDPS Act and Section 188 of IPC (Section 188 IPC deleted later on), Police Station Baruda, District Sonipat.

The learned counsel for the petitioner has submitted that in the present case the petitioner was allegedly apprehended alongwith 510 grams of *charas* alongwith a plastic container and no independent witness was joined although allegedly there was a secret information to the police. He submitted that he has infact been falsely implicated in the present case and he is in custody from 17.05.2021 and the investigation of the present case is already complete and thereafter, even the challan has been presented in the competent Court. He further submitted that earlier the petitioner was granted interim protection in view of the fact that the FSL report was not received. Thereafter, on receipt of the FSL report, the petitioner has surrendered before the police and, therefore, the bonafide of the petitioner cannot be doubted. He further submitted that earlier also, the petitioner was falsely implicated in one NDPS case, in which he has since been acquitted. He further submitted that in view of

the fact that the investigation of the present case is already complete and the trial of the case would take a long time and the fact that the alleged recovery was of non-commercial quantity, he may be considered for the grant of regular bail.

On the other hand, Mr. Arya, learned Addl. A.G. Haryana has submitted that it is correct that the petitioner is in custody since 17.05.2021 and after the investigation, the challan has been presented and the FSL report has been received and after the receipt of the same, the petitioner has also surrendered. It has also been submitted by the learned State counsel that the alleged recovery was of non-commercial quantity and that the petitioner has since been acquitted in other case pertaining to the NDPS Act.

I have heard the learned counsels for the parties.

Considering the factual position stated above that the alleged recovery was of non-commercial quantity and the petitioner was also involved in another NDPS case, but he was acquitted in that case and the investigation of the case is already complete and the challan has since been presented before the competent Court, this Court deems it fit and proper to grant regular bail to the petitioner. Apart from the same, it is also not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

October 14, 2021
ajay-1/rajender

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