

112

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 02.12.2021

1. CRM-40674-2021 in/and
CRM-M-39904-2021

Vikram @ Vicky
Vs.

.. Applicant/Petitioner

State of Haryana

..Respondent

AND

2. CRM-40636-2021 in/and
CRM-M-28339-2021

Gulshan Kumar @ Rinku
Vs.

.. Applicant/Petitioner

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Rana, Advocate for the petitioner
in CRM-M-39904-2021.

Mr. Davinder Kumar, Advocate for the petitioner
in CRM-M-28339-2021.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-40674-2021 and
CRM-40636-2021

The instant applications are for pre-poning the date of hearing
of the main petitions to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts
notice on behalf of the respondent-State and does not oppose the prayer.

Applications are allowed and the date of hearing is pre-poned
to today.

**CRM-M-39904-2021 and
CRM-M-28339-2021**

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.310 dated 13.05.2021, registered under Section 15 NDPS Act, 1985 (Sections 29 and 25 NDPS Act added later on), at Police Station Assandh, District Karnal (Rural). The petitioners are in custody since their arrest on 05.08.2021 and 16.05.2021 respectively.

As per the prosecution case, on 13.05.2021, 54 kgs of Doda Post was recovered from three accused, namely, Surinder Singh @ Golu, Lovekush Yadav @ Paaltu and Ravinder Singh.

Learned counsel for the petitioners have argued that the alleged contraband (54 kgs poppy husk) was recovered from three accused persons, who are named in FIR and they were arrested on the spot. According to the learned counsel, the petitioners were implicated in the present case on the basis of disclosure statements of the co-accused on the ground that the SIM cards used by co-accused Pawan Kumar while speaking to the above three persons were in fact provided by the petitioners. Learned counsel has argued that the petitioners are not involved in the alleged commission of offence and the investigation of the case is complete, as the challan stands presented on 16.09.2021, therefore, he prays that the petitioners be released on bail.

Learned State counsel assisted by SI Rohtas Singh has opposed the prayer on the ground that the petitioners had provided SIM cards for Rs.5,000/- to co-accused Pawan Kumar, however, it is not disputed that the petitioners were implicated on the basis of disclosure statement of co-accused, and admittedly, no recovery of contraband was effected from the

petitioners.

At this stage, learned counsel for the petitioners have argued that apart from the above, the contraband recovered is marginally above the non-commercial quantity and considering the nature of the case qua the petitioners, their further custody may not be necessary.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 16.09.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioners behind the bars may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest. Further, all the prosecution witnesses are the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitions are allowed.

02.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No