

Omi Ram

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Arjun Veer Sharma, Advocate, for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 235 dated 17.08.2020, registered at Police Station Agroha, District Hisar, for the alleged commission of offences punishable under Sections 20-C/27-A/29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and has only been implicated on an alleged disclosure statement made in police custody by the persons who are stated (as per the investigating agency) to have been apprehended with 60 kgs of '*ganja*', with the disclosure statement allegedly being that the petitioner had supplied them with the said contraband.

He submits that there is no other criminal case registered against the petitioner who has now been in custody for about 3½ months and with the trial not having even commenced as yet.

Upon query to learned State counsel, he on instructions from ASI

Gurpreet Singh, does not deny the period of custody or the fact that there is no

other criminal case registered against him but submits that since the recovery was large and the petitioner having been named by those who were caught with the contraband, he does not deserve to be admitted to bail.

Having considered the matter, keeping in view the aforesaid facts, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is necessary to notice here that in fact the Registry has brought to the notice of this court, vide a note, that another similar petition bearing CRM-M-43222 of 2020 has been filed by the same petitioner through a different counsel, with the date of filing on the said petition seen to be 16.12.2020, and with the present petition carrying the date of 05.11.2020, with Mr. Sharma submitting that in fact he had filed it in the Registry on 06.11.2020.

Obviously therefore, the 2nd petition is superfluous, with counsel for the petitioner in that case also not having appeared today.

That being so, that petition is disposed of as being superfluous and also now infructuous in view of the order already passed in this petition of the same petitioner.

A photocopy of this order be placed on the file of that petition, i.e. CRM-M-43222 of 2020.

January 19, 2021
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.