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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43835-2021

Date of Decision: 27.10.2021

Yasin

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.0181 dated 03.07.2021, under Section 20 N.D.P.S.Act, 1985, registered at Police Station, Sadar Bahadurgarh, District Jhajjar, who is in custody since his arrest on 03.07.2021.

As per the FIR, on 02.07.2021 when ASI Virender Kumar along with other police officials was on law and order duty at Nahra-Nahri Road, Kulasi turn Village Kanonda, a secret information was received by him that Rajesh and Yasin being involved in the trade of sulpha (charas) would go to Sonapat from Bahadurgarh in a white colour Wagon-R car bearing registration No.UP-14FT-5158, and if, the car is intercepted, they can be arrested along with the contraband. Acting upon the secret information, a team was constituted and barricading was done. When the car was found approaching on the highway, it was signalled to stop and two persons were found sitting inside the car. Yasin was driving the car while

Rajesh was sitting on the adjacent front seat. Upon search of the car, a white

polythene bag containing 122 small packets of black coloured sulphur like rolls were found lying inside the car. The contraband was weighed at the spot and it was found to be 681 grams of charas. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the alleged contraband (681 grams of charas) recovered from the petitioner and his co-accused falls within the ambit of non-commercial quantity. He submits that the co-accused of the petitioner, namely, Mohd. Habib @ Popa and Rajesh have been extended the concession of regular bail by this Court vide order dated 08.03.2021 and 21.09.2021 respectively. According to him, the investigation of the case is complete and even charges have been framed on 07.10.2021, but as no prosecution witness has been examined so far, therefore, the petitioner be also released on regular bail during the pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Sombi does not dispute this fact that the recovery made from the petitioner is non-commercial in nature and his co-accused have been released on regular bail. It is submitted by him that after completion of investigation, the charges have been framed on 07.10.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 07.10.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently

confined in judicial custody after his arrest on 03.07.2021. 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, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jhajjar.

27.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No