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

Date of decision: 18.01.2022

1. CRM-M-53203-2021

Fejal Khan @ Fejal

Petitioner

Versus

State of Haryana

Respondent

2. CRM-M-673-2022

Lokesh

Petitioner

Versus

The State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj Yadav, Advocate for the petitioner
in CRM-M-53203-2021.

Mr. B.S. Saroha, Advocate for the petitioner
in CRM-M-673-2022.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through
video conference.

[2] These two petitions under Section 439 Cr.P.C. is filed

seeking regular bail in FIR No. 260, dated 10th August, 2021 under Sections 20 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sadar Narnaul, District Mahendergarh.

[3] Brief facts are that on 10th August, 2021, acting on a secret information, police parties checked Brezza Car bearing registration No. HR-93A-5613. The car was being driven by Mohammad Jahid and 20 kilograms and 280 grams of *Ganja* was recovered from diggy (boot) of the car. Fejal Khan (petitioner in CRM-M-53203-2021) was nominated by the co-accused during investigation as supplier of the recovered *Ganja*. Lokesh (petitioner in CRM-M-673-2022) was nominated on the basis of statement of co-accused. The role attributed to him is that the *Ganja* was to be supplied to him.

[4] Learned counsel for the petitioners submit that Fejal Khan and Lokesh are in custody since 27th September, 2021 and 2nd September, 2021 respectively. They were not apprehended from the spot. Investigation is complete and no recovery was effected from them. Co-accused was granted regular bail by this Court. It is further contended that recovery from main accused was marginally higher than the commercial quantity.

[5] Ms. Geeta Sharma, Deputy Advocate General, Haryana opposes the prayer for grant of bail. She submits that investigation is complete and challan stands presented, on instructions, she submits that Fejal Khan is involved in two more cases.

[6] Considering that petitioners were nominated on the basis of disclosure statement, no recovery was effected from them, investigation is complete, co-accused was granted bail by this Court and recovery from main accused is marginally higher than the commercial quantity, no useful purpose would be served by depriving the petitioners of their personal liberty. They are granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[7] The petitions are allowed.

[8] It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[9] Photocopy of this order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

18th January, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes