

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

Date of decision: 28.03.2022

1. CRM-M-36298-2021 (O&M)

Sandeep Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-50265-2021 (O&M)

Suresh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

3. CRM-M-1289-2022 (O&M)

Chunni Ram @ Sandeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naresh Jain, Advocate
for the petitioner (in CRM-M-36298-2021).

Mr. Vikas Bishnoi, Advocate
for the petitioner (in CRM-M-50265-2021).

Mr. Lokesh Sharma, Advocate for
Mr. Aditya Sanghi, Advocate
for the petitioner (in CRM-M-1289-2022).

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these petitions is for grant of regular bail to petitioner Sandeep Kumar, Suresh Kumar and Chunni Ram @ Sandeep, in FIR No.41 dated 22.02.2021 under Sections 22-C/27-A of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioners submit that as per allegations in the FIR, registered at the instance of SI Surya Kant, while on patrol duty, two persons were seen coming on a motorcycle and on seeing the police party, they became perplexed and tried to turn back, however, they were apprehended. The person driving the motorcycle told his name as Suresh Kumar and pillion rider disclosed his name as Sandeep Kumar. On suspicion, they were given a notice under Section 50 of NDPS Act to be searched before a Magistrate or Gazetted Officer. Thereafter, a Gazetted Officer was called at the spot and in his presence, 1474 intoxicant tablets were recovered from them. It is further submitted that after effecting the recovery, a ruqa was sent to the police station for registration of FIR and thereafter, FIR was registered at 4.46 pm.

Learned counsel has referred to joint recovery memo of both the accused, which was recorded at 1.30 pm i.e. prior to registration of FIR and in that recovery memo, complete details of FIR No.41 are mentioned and it raises a reasonable suspicion about the investigation conducted and the petitioners have been falsely implicated in this case. It is also submitted that out of total 18 prosecution witnesses, only 02 PWs have been examined so far, therefore, it will take long time in conclusion of the trial.

Learned counsel for petitioner Sandeep Kumar submits that the petitioner is in custody for the last 01 year, 01 month and 04 days and is not involved in any other case.

Learned counsel for petitioner Suresh Kumar submits that the petitioner is in custody for the last 01 year, 01 month and 05 days and is not involved in any other case.

Learned counsel for petitioner Chunni Ram @ Sandeep submits that the petitioner was later on nominated in the FIR on the basis of disclosure statement of aforesaid co-accused; he is in custody for the last 04 months and 14 days and is involved in one more case, however, he is on bail.

Learned State counsel, on the basis of custody certificates dated 26.03.2022, filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case and also in view of the fact that it is for the prosecution to prove that the investigation was conducted in a fair and legal manner, all these petitions are allowed and petitioners Sandeep Kumar, Suresh

Kumar and Chunni Ram @ Sandeep are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

A photocopy of this order be placed on the files of other connected cases.

[ARVIND SINGH SANGWAN]
JUDGE

28.03.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No