

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

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CRM-M-2126-2022 (O&M)

Date of decision: 17.03.2022

SURINDER SINGH @ SURENDER SINGH @ SINDER

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. LS Sekhon, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.91 dated 23.06.2020, under Section 15-C of the NDPS Act and Sections 420 and 483 IPC, at Police Station Guhla, District Kaithal.

Learned counsel for the petitioner submits that the petitioner has neither been arrested from the spot nor any recovery was effected from him; that the recovery of the alleged contraband was effected from a car of which the petitioner is not a registered owner and that the petitioner has been in custody since 22.09.2021. He further submits that earlier the petitioner preferred an anticipatory bail petition before this Court, which was dismissed as withdrawn.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, does not dispute the custody period of the petitioner. He, however, submits that, though the petitioner is not the registered owner of the car from which the recovery was

effected, yet the fact remains that the petitioner has purchased the said car vide affidavit dated 19.06.2020 from one Gurmej Singh and that the signatures on the affidavit were not denied by the petitioner.. He further submits that, at one point of time, the petitioner was declared as a proclaimed offender on 20.04.2020 and arrested on 22.09.2021 and that the challan is yet to be presented.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.09.2021. Petitioner was neither arrested at the spot nor any recovery was effected from him. The challan is yet to be presented. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.03.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

*Whether reasoned/speaking?
Whether reportable?*

*Yes/No
Yes/No*