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

CRM-M No.2138 of 2022 (O&M)

Date of decision: 30.03.2022

Anil

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0264 dated 01.08.2021, for offence punishable under Sections 21(b)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Adampur, District Hisar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police received a secret information that the co-accused of the petitioner namely Rajesh is indulged in selling intoxicant substance and he can be apprehended with the same. On this, a ruqa was sent to the Police Station for registration of the FIR and thereafter, the police party reached near the described place and a boy was seen coming on foot and on seeing the police party, he became

perplexed and on suspicion, he was apprehended and disclosed his name as Rajesh. It is further stated that from the co-accused Rajesh, 5.50 gms of Heroin was recovered.

Counsel for the petitioner has also argued that the petitioner was nominated in the case on the basis of the disclosure statement of the co-accused Rajesh. It is further submitted that Rajesh has already been granted the concession of regular bail by the Additional Sessions Judge, Hisar vide order dated 03.09.2021, however, the petitioner was not granted the concession of bail as he is involved in some other FIRs. It is further submitted that the petitioner is in custody for the last about 05 months and 25 days.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in 03 more FIRs under the NDPS Act, though, he is on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 05 months and 25 days; the main accused from whom, the recovery was effected and on whose disclosure, the petitioner has been nominated in the case, has already been released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.03.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No