

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(212)

CRM-M-2852-2022

Date of Decision : February 10, 2022

Sumit

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Goyat, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.  
(keeping in view the advance copy given).

**HARSIMRAN SINGH SETHI J. (ORAL)**

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.651 dated 13.09.2021 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Hansi City, Police District Hansi, District Hisar.

Learned counsel for the petitioner submits that on the face of it, the allegations being alleged against the petitioner are false and in fact, the contraband has been planted upon the petitioner. Learned counsel for the petitioner further submits that as nothing has been recovered from the petitioner and the recovery is made from the street and the allegations that petitioner escaped, are yet to be proved during the trial, the petitioner may

kindly be extended the benefit of regular bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the factum that the raid was being conducted on the basis of secret information but he is not able to explain as to how, the petitioner was able to escape the police. Learned State counsel submits that in fact, the contraband was thrown by the petitioner and he ran away and therefore, he cannot say that the recovery was not from him but from a street. Learned State counsel concedes that the quantity of the contraband recovered from the petitioner is not commercial in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The factum whether the petitioner escaped the arrest, is yet to be proved during the trial on the basis of the evidence, which will be led. Further, once as of now, the contraband was recovered from the street and the same is yet to be connected to the petitioner on the basis of evidence, which will come on record during the trial coupled with the fact that quantity of the contraband is not commercial in nature so as to invite rigors of Section 37 of the NDPS Act, the petitioner has made out a case for the grant of regular bail as challan has already been submitted after investigation and the trial is likely to take some time before it concludes keeping in view the restricted working of the Courts due the pandemic of

Covid-19 and no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

**February 10, 2022**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : Yes