

228 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5497-2022

Decided on: 15th February, 2022

Ashwani

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ram Karan Agnihotri, Advocate for the petitioner.
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. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 435, dated 20th November, 2020, under Sections 21(c), 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Taraori, District Karnal.
3. As per the case set up, police acting upon a secret information on 20th November, 2020, apprehended Gurvinder Singh, nine hundred capsules of tramadol and six hundred tablets of alprazolam were recovered from him. During his investigation, he disclosed the name of Sahil Kundra. The residence of Sahil Kundra was raided and there was recovery of 33,600 tablets of Tramadol hydrochloride Prolonged and 39,600 capsules of Tramadol Hydrochloride Paracetamol & Dicyclomine Hydrochloride. During investigation, Ashwani (petitioner) was arrested and the allegations are that he was a drug paddler and indulged in transporting commercial

quantity of Narcotics which were recovered from the co-accused Sahil Kundra and Gurvinder Singh.

4. Learned counsel for the petitioner submits that petitioner is in custody since 23rd November, 2020, petitioner was not apprehended from the spot, his name surfaced during the investigation, he is not involved in any other criminal case and investigation is complete. He further submits that the main accused Gurvinder Singh was released on default bail due to filing of incomplete challan.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that heavy recovery was made from the accused. She on instructions submits that charges were framed but no prosecution witness has been examined and petitioner is not involved in another case.

6. Without commenting upon merits of the case, considering that petitioner was not apprehended from the spot, no recovery was made from him, his name surfaced on a disclosure statement, co-accused was released on default bail and there is no progress in trial, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

15th February, 2022

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes /No
: Yes /No