

In virtual Court

CRM-M-5555-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5555-2022 (O&M)
Date of decision: 15.02.2022

Manoj Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.K. Lathwal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.388 dated 17.07.2021 under Section 20 of NDPS Act (Sections 25, 27-A, 29 of NDPS Act and Section 201 IPC were added later on), registered at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party headed by ASI Satpal was on patrol duty and a secret information was received that Kundan Thakur and Manoj Kumar (petitioner) are coming on a motorcycle carrying some narcotic substance. On this, ruqa was sent to the police station under Section 42 of NDPS Act and a barricade was laid and after some time, two persons were seen coming on a motorcycle.

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On seeing the police party, they tried to turn back, but the motorcycle slipped on the road. Driver of the motorcycle ran towards the fields and was nabbed by the police party, carrying a black coloured bag. On enquiry, he disclosed his name as Kundan Thakur and disclosed the name of other person as Manoj Kumar, who ran away. After conducting the search, from Kundan Thakur, recovery of 1 kg 350 grams of charas was effected.

Learned counsel for the petitioner has further submitted that the petitioner is first offender; he is in custody for the last 06 months; investigation is complete and neither he was arrested at the spot nor after his arrest, any contraband was recovered from him; charges were framed on 25.10.2021 and out of total 16 prosecution witnesses, none has been examined.

Learned State counsel, on the basis of custody certificate dated 14.02.2022 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 facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

15.02.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No