

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

Date of Decision: 24th February, 2022

1. CRM-M-9283-2021 (O&M)

Naveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-25981-2021

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Choudhary, Advocate
(in CRM-M-9283-2021)
Mr. Rakesh Kumar Lathwal, Advocate
(in CRM-M-25981-2021)
for the petitioner(s).

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J. (Oral)

1. These petitions, under Section 439 Cr.P.C., have been filed seeking regular bail in FIR No. 445, dated 30th November, 2020, under Section 20/20-C of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kalanaur, District Rohtak.

2. As per the case set up, acting upon secret information, in the

intervening night of 29th/30th November, 2020, police party checked Swift Dzire car, bearing Registration No. HR29AJ-1257. The car was driven by Surender @ Sunder, the co-occupant was Baljeet Singh. From the car 140Kgs. & 300 grams *Ganja* was recovered. Another car Ritz, bearing Registration No. HR-61C-0805 driven by Naveen Kumar, was checked. Naveen Kumar and Krishan Kumar (petitioners) were in the Ritz car and no recovery was made from their car. The case set up is that they were going ahead (piloting) the Dzire car, informing about the police checking and naka's laid.

3. Learned counsel for the petitioners submit that the petitioners are in custody since 30th November, 2020, no recovery was made from the petitioners, the investigation is complete and challan stands presented.

4. Learned counsel for Naveen Kumar submits that he is not involved in any other case.

5. Learned counsel for Krishan Kumar submits that as a result of the present FIR, on the basis of a disclosure statement, he was named in another FIR in which he is on bail.

6. Learned State counsel opposes the prayer and submits that there was heavy recovery of *Ganja* from the other car. She fairly submits that the investigation is complete and no prosecution witness has yet been examined.

7. Without commenting upon merits of the case, considering that no recovery was made from the car of the petitioners, they are in custody since 30th November, 2020, and the fact that conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail

bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. These petitions are allowed.

9. It is clarified that observations made here-in-above shall not be construed as an expression of opinion on the merits of the case.

10. Pending miscellaneous applications stand disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

24th February, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**