

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(255)

CRM-M-16766-2022

Date of Decision : June 02, 2022

Sonu Rao

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Vir Singh Behl, Advocate, for
Mr. Akashdeep Singh, Advocate, for the petitioner.

Mr. Narender Singh Behgal, Assistant Advocate General,
Haryana.

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.7 dated 21.01.2020 registered under Section 17 of the NDPS Act, 1985 (Sections 61 and 85 of the IPC added later on) at Police Station Odhan, District Sirsa, Haryana.

Learned counsel for the petitioner argues that in the present case, the petitioner has been involved only on the basis that the petitioner was sitting in a car, wherein other co-accused was also present and one of the co-accused namely Gauri Shankar was carrying contraband which was recovered by the police. Learned counsel for the petitioner submits that merely that the petitioner was sitting in a car, which car did not belong to the petitioner, it cannot be inferred that the recovery done from the co-

accused, the same recovery can be attributed to the petitioner as well. Learned counsel for the petitioner further submits that as the petitioner is behind bars since 20.01.2020 and the trial is likely to take some time before it concludes, the petitioner may kindly be extended the benefit of regular bail.

Learned counsel for the respondent-State, on the instructions from ASI Ajit Kumar, submits that there were three occupants of the car at the time when the same was intercepted by the police including the petitioner but the recovery of the contraband has been done only from Gauri Shankar. Learned counsel for the respondent-State further submits that as the petitioner was present in the said car, it can be safely said that the petitioner also knew about the said contraband and recovery of the contraband from the co-accused has to be attributed to the petitioner as well and the prayer of the petitioner for the grant of regular bail may kindly be declined.

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

In the present case, the recovery from the co-accused was done from a bag which was being carried by him. The allegation alleged against the petitioner is that he was only sitting in the car, whether the petitioner knew about the contraband or was part of the conspiracy is yet to be proved during the trial. The guidelines envisaged under Section 37 of the NDPS Act are not attracted in the present case.

As the petitioner is behind the bars for the last more than two years and four months and the trial is likely to take some more time before it concludes and only two witnesses out of total thirty have been examined,

the petitioner has made out a case for the grant of regular bail especially when learned counsel for the petitioner has undertaken before this Court if the petitioner is granted the concession of regular bail, he will not interfere with the trial or the witnesses in any manner.

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.

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.

June 02, 2022*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No