

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17967-2022

DATE OF DECISION: MAY 30 2022

FARIYAD KHAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SANPREET SANDHU, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.106 dated 2.3.2022, under Section 21-C, 29 NDPS Act, Police Station Sadar Yamuna Nagar, who is in custody since his arrest on 7.3.2022.

The allegations in the FIR as noticed by the Addl. Sessions Judge-cum-Judge, Special Court Yamuna Nagar in the order dated 25.4.2022, and the relevant part reads as under:-

“The present FIR was registered against the co-accused Aamir Khan alias Ulli, with the allegations that on 02.03.2022, he was apprehended on the basis of secret information and on checking, he was found in possession of narcotic and psychotropic substance i.e. 310 grams Smack. The contraband was taken in possession. Necessary compliances of NDPS Act were made and present FIR was registered. The co-accused suffered disclosure statement mentioning the main source from which the narcotic substance was obtained and on the basis of disclosure statement of co-accused, the present

applicant/accused namely Fariyad Khan was apprehended.”

Learned counsel for the petitioner has argued that a false case has been foisted against the petitioner, as neither the petitioner was present at the spot, nor any contraband was recovered from him, who has been indicted on the basis of disclosure statement made by the co-accused Aamir Khan from whom the recovery of narcotic substance was effected. Learned counsel further submits the challan stands filed, but the charges have not been framed till date. He prays for bail.

On the other hand, learned State counsel assisted by SI Dharam Singh has opposed the aforesaid prayer, but does not dispute the fact that recovery of contraband was made from Aamir Khan. However, it is not disputed by him that challan stands presented on 26.4.2022, but the charges are yet to be framed.

Considering the above background and the fact that the challan stands filed, but the charges are yet to be framed, the further detention of the petitioner may not be necessary for any useful purpose, as the trial is yet to commence.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 30, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No