

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

**CRM-M-22628-2022
Date of decision: 27.05.2022**

Avinash alias Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 32 dated 15.02.2022, registered under Sections 417, 468, 471, 488 of the IPC at Police Station Rewari Sadar, District Rewari.

Learned counsel for the petitioner submits that the FIR was registered on a secret information that petitioner Avinash alias Rinku is coming in his Creta car having a temporary registration number on it for selling narcotics. On receiving such information, a ruqa was sent to the police station for registration of the FIR. Thereafter, a raiding party was constituted and the petitioner was apprehended. During search of the car, 140 grams of narcotic material, which the police claims to be heroin, was recovered from the dashboard of the car and it was also found that the petitioner has prepared some fake number plates of his car.

Learned counsel for the petitioner has referred to an order dated 11.04.2022 passed by the Additional Sessions Judge, Rewari, in which an

application for discharge filed by the prosecution qua other accused persons, namely Dharmender @ Babloo, Amit @ Sarpanch, Pappu Ram and Sohan Lal, was allowed noticing the fact that as per FSL report, received from RFSL, Bhondsi dated 06.04.2022, no narcotic drug was detected in the sample, which was recovered from the car of the petitioner and it was also noticed that the offence under Sections 21B, 27A of the NDPS Act and Section 420 IPC were deleted from the FIR.

Learned counsel further submits that in view of the said order, there is no justification for keeping the petitioner in judicial custody anymore as he is already in judicial custody for the last 03 months and 08 days and investigation is complete.

Learned State counsel has not disputed the factual position on the basis of the custody certificate filed today in Court and also on the basis of the aforesaid order of Additional Sessions Judge, whereby four co-accused have been discharged on the ground that as per FSL report, no narcotic was detected in the sample extracted from the recovery effected from the car of the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

27.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*