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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29420-2021 (O&M)
Date of Decision:05.07.2022

Vikas @ Dhoka

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.81 dated 14.02.2021 registered under Sections 20-B/21-B/27-A/61/85 NDPS Act, 1985 at Police Station City Fatehabad. The petitioner is in custody since his arrest on 14.02.2021.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Addl. Sessions Judge, Fatehabad in the order dated 17.05.2021 are as under:

“Brief facts of the case essential for disposal of the instant bail application, as per police reply, are that on 14.02.2021, present petitioner accused Vikas @ Dhoka was apprehended by the police party headed by ASI Bhupender Singh and recovery of 11 kg. Ganja and 35 grams of Heroin was effected from him, in the presence of Sh. Sumit Chopra, M.E.M.C., Fatehabad. On interrogation, said co-accused Vikas @ Dhoka suffered his disclosure-statement to the effect that he had purchased the recovered Heroin from co-accused Joel Uchechukwu Nigerian.”

Learned counsel has argued that on 14.02.2021, the police while acting upon a secret information raided the house of the petitioner and allegedly recovered 11 kgs of ganja and 35 grams of heroin. According to

him, the recovered quantity of contraband would fall under the non-commercial category as per the NDPS Act, and the petitioner is not involved in any other case of similar nature, therefore, his further custody may not be necessary, as the investigation is also complete. He prays for bail.

The prayer is opposed by learned State counsel assisted by SI Risal Singh, who has produced the custody certificate of the petitioner by way of affidavit of Rajender Singh, Deputy Superintendent, Central Jail, Hisar and submitted that the petitioner is involved in number of other cases. However, it is not disputed that the petitioner is not involved in any other case of NDPS Act and after completion of investigation in this case, the final report was submitted on 09.04.2021. He states that in all there are fifteen prosecution witnesses and the case is coming up before the trial Court on 08.08.2022 for framing of charges.

At this stage, Mr. Choudhary, learned counsel for the petitioner has drawn the attention of the Court to para 9 of the petition to submit that the details of pending cases under IPC is already given in the petition and in all these cases, he has been released on bail.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose, as the trial is yet to commence and its conclusion would consume considerable time. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

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/Duty Magistrate concerned.

The petition is allowed.

05.07.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No