

220 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28052-2021

Decided on: 22nd February, 2022

Mahender Singh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manvinder Sidhu, Advocate for the petitioner.
Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 299, dated 22nd September, 2020, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), and Sections 332, 353, 186, 427, 307 of the IPC, 1860, registered at Police Station Ellenabad, District Sirsa.

2. As per the case set up, acting upon a secret information, police party checked swift car bearing registration No. HR-14N22-2577. The occupants of the car were Hari Singh @ Sonu and Vijay alias Viju and from the car 660 kg of Doda post was recovered. The name of the petitioner surfaced on a disclosure statement. The role attributed to Mahender Singh (petitioner) is that he went to Jammu alongwith co-accused to get the *Doda post* from Tota Bhai Muslim.

3. Learned counsel for the petitioner submits that petitioner is in custody since 31st May, 2021, he was named in a disclosure statement, no recovery was made from him, he is not involved in any other case under the

Act. It is further argued that the main accused from whom the recovery was made were released on default bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that the petitioner was specifically named by the co-accused and he was driver who took the co-accused to Jammu for procuring the recovered contraband. She further submits that challan is prepared and will be submitted in the Court.

5. The name of the petitioner surfaced in a disclosure statement, no recovery was made from him and he has no criminal antecedents. Though the investigation is complete, conclusion of the trial is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

22nd February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No