

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

216

CRM-M-29312-2022
Date of Decision: 15.07.2022

MANPREET

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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

Mr. Amit Aggarwal, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.110 dated 08.03.2022 under Sections 15-C, 27-A, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Fatehabad, District Fatehabad.

The brief facts of the case are to the effect that on 08.03.2022, when ASI Ajit Singh alongwith fellow police officials was going towards Ratia for patrolling and crime checking duty and reached near Anaj Mandi Centre Village Ayalki, co-accused Juber Khan @ Ajmer was apprehended near the wall of water works alongwith two bags and a motorcycle and recovery of 51 kilograms of kachra doda-post (poppy straw) was effected from both the bags in the presence of Om Parkash, SDO, Public Health, Fatehabad and same was taken into police possession vide separate seizure memo. Thereafter, the FIR in question was registered. Co-accused Juber

Khan @ Ajmer had suffered a disclosure statement that co-accused Gursewak Singh who was accompanied with one unknown person had supplied the recovered contraband to him. Thereafter, Gursewak Singh was also interrogated and it was his disclosure statement, in which the name of the present petitioner had figured. The role attributed to the petitioner is that he had accompanied Gursewak Singh while supplying the contraband in question to accused Juber Khan @ Ajmer. In his disclosure statement, the petitioner has also acknowledged his involvement in the present case.

Learned counsel for the petitioner contends that the name of the petitioner had figured in the disclosure statement of co-accused Gursewak Singh, to whom the concession of interim bail has already been extended by this Court vide order dated 25.03.2022 passed in CRM-12529 of 2022. He contends that pursuant to the disclosure statement of the petitioner, no recovery has been effected from him. He further contends that the petitioner has already been in custody for more than two months and he is not involved in any other case.

Learned State counsel could not dispute the fact that no recovery has been effected from the petitioner and that the recovery of 51 kilogram of poppy straw was effected from one Juber Khan @ Ajmer and that the name of the petitioner was figured in the disclosure statement of Gursewak Singh, who has already been granted the concession of interim bail vide order dated 25.03.2022 passed in CRM-M-12529 of 2022. He also could not dispute the fact that the petitioner is not involved in any other case.

Taking into consideration the circumstances noticed above, the period of custody already undergone by the petitioner, the role attributed to him as well as the fact that co-accused Gursewak Singh has already been

granted concession of interim bail alongwith the clean antecedents of the petitioner, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

15.07.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No