

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39565-2021 (O&M)
Date of decision: 31.03.2022

Ajay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.26 dated 10.02.2021 under Sections 22(c)/27-A of NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad; earlier one was dismissed as withdrawn on 26.07.2021.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Harpal Singh, with the allegations that while on patrol duty, a boy carrying a bag was noticed and on seeing the police party, he became perplexed and tried to run away by walking briskly, but he was apprehended by the police party. On having suspicion that he is carrying some intoxicant substance, he was given a notice under Section 50 of NDPS Act and

in presence of Gazetted Officer, 1940 intoxicant tablets of Tramadol and 550 intoxicant tablets of Alprazolam were recovered. It is further submitted that after two days i.e. 12.02.2021, the police arrested the petitioner on the nomination of Ashok @ Shoky, who made a phone call to the petitioner and thereafter, he was nominated under Section 27-A of NDPS Act. It is also submitted that disclosure statement of the petitioner was recorded, in which he stated that a boy namely Sumit, who was also named by the main accused Ashok @ Shoky, used to visit his Burger Rehri and allured him to pay a commission of Rs.2,000/- to accompany him and said Sumit made a phone call from his mobile to Ashok @ Shoky. In support of his arguments, learned counsel has relied upon a judgment of the Hon'ble Supreme Court in **State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta and anr., 2022 (1) RCR (Crl.) 762.**

Learned counsel further submits that the petitioner was never in conscious possession of the contraband and as per his disclosure statement, he was paid only Rs.2,000/- by Sumit, who is yet to be arrested. It is also submitted that the petitioner is in custody for the last 01 year, 01 month and 19 days; he is first offender and challan stands presented, however, no prosecution witness has been examined, therefore, it will take long time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 30.03.2022 in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and

circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

31.03.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No