

209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37008 of 2022(O&M)
Date of Decision: 26.08.2022.

Hamid Hussain

... Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Ms. Kirti Girdhar, AAG., Haryana.

AMAN CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C., for the grant of regular bail to the petitioner in respect of FIR No.93 dated 23.03.2022, under Section 18 (B) of the NDPS, 1985, registered at Police Station Nagina, District Nuh.

Learned counsel for the petitioner submits that the petitioner has not named in the FIR. He has been nominated by co-accused Jamaluddin, in his third disclosure statement and in previous two, there was no reference made to him. Learned counsel further submits that insofar as recovery of mobile phone is concerned from which conversation with the co-accused Jamaluddin, he being brother-in-law of co-accused Jamaluddin, the conversations was evident. Learned counsel further submits that the petitioner is in custody since 26.03.2022 and there are twenty one witnesses, none of them has been examined till date. Charge has also not yet been framed.

Learned State counsel on instructions from ASI Rajesh Kumar submits that the petitioner is not involved in any other criminal case and is unable to dispute the factum of the petitioner not being named in the FIR or that he was nominated by co-accused Jamaluddin, pursuant to which no recovery has been effected from the petitioner. Only the mobile phone was found on person of the petitioner when he was arrested. Learned counsel for the State states that next date for framing of charge is 11.10.2022.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 26.03.2022; the petitioner is not involved in any other case of similar nature; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(AMAN CHAUDHARY)
JUDGE

26.08.2022
rekha sharma

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No