

CRM-M-37276-2020

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

206

CRM-M-37276-2020

Date of Decision: 07.07.2022

Jagbir

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. K.D.S. Hooda, Advocate for the petitioner.

Mr. R.K. Singla, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.22 dated 24.01.2019 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Civil Lines, Rohtak, District Rohtak.

As per the allegations in the FIR, on 24.01.2019 Head Constable-Balram Singh alongwith other police officials were checking vehicles at Sonepat road near Mansarovar Park, Rohtak. One Car bearing HR-31N-9475 was coming from the side of By-pass Rohtak was signaled to stop. The car stopped, the petitioner was found to be driving the car, one polythene bag containing 2 kg 400 grams of Charas was found lying under the feet of Ajay, who was sitting adjacent to the petitioner. 3 kg of Charas was found under the legs of Bittu who was sitting on the rear seat. The case of the petitioner is that the petitioner is the owner of the vehicle and he plies

the same as taxi. The co-accused had hired the car to go to Delhi and come back. He was not aware of the fact that the car is being used for an illegal purpose for carrying Charas. He states that the co-accused in their disclosure statement have also affirmed that they have hired the car of the petitioner. The petitioner has no concern or connection with the co-accused and it cannot be said that the petitioner was in conscious possession of the recovered contraband. The petitioner is in custody since 24.01.2019.

In view of the above and the fact that the trial is unlikely to conclude in near future, no useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Jagbir be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court concerned.

[HARINDER SINGH SIDHU]
JUDGE

July 07, 2022
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no