

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

258

**CRM-M-41587-2022
Decided on : 16.09.2022**

Mauji Ram

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurveer Singh Sidhu, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner –Mauji Ram, who has been booked for having committed the offence punishable under Section 20 of NDPS Act (Section 29 of NDPS Act added later on), in FIR No. 0141, dated 14.02.2022, registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

On 15.09.2022, contentions of learned counsel for the petitioner were recorded which are reproduced as follows:

“Learned counsel for the petitioner submits that recovery in the present case i.e. 1 kg 900 grams charas (sulfa) has been effected from main accused namely, Omkar. He further submits that petitioner has been indicted in the present FIR on the basis of disclosure statement of the co-accused and even at the time of arrest, nothing was recovered from the petitioner. Counsel further submits that since 19.02.2022, petitioner is inside jail and no other case of similar nature is registered/pending

against him. Thus, he prays for regular bail.

On advance notice, learned State counsel has put in an appearance on behalf of respondent-State and seeks time to get instructions.

Adjourned to 16.09.2022.”

Learned State counsel has filed custody certificate dated 14.09.2022 in the Court today and same is taken on record. As per said custody certificate, petitioner has already undergone custody for a period of 06 months 25 days. On instructions from ASI Rohtash, learned State counsel submits that petitioner is involved in other case i.e. FIR No. 36/2013 dated n/A under Section 8/20 of the NDPS Act, registered at Police Station Director of Enforcement Dehradun, Dehradun.

In response thereof, learned counsel for the petitioner produced bail order dated 09.04.2013, passed by Hon'ble High Court of Uttarakhand at Nainital in 1st Bail Application No. 283 of 2013, vide which petitioner has been released on bail. Copy of the same is taken on record.

Considering the submissions of both the sides and perusing the material available on record with their able assistance and taking into consideration the age of the petitioner and also the fact that as per the case of the prosecution, there is no recovery from the petitioner and he is indicted in the present case on the basis of disclosure statement of main accused, namely, Omkar from whom 1.900 kg of charas (sulfa) was recovered, in my view, no purpose would be served by keeping the petitioner inside jail, especially when trial is likely to take some time in its conclusion. Accordingly, I am of the considered view that petitioner deserves the concession of bail.

In view of the aforementioned facts and circumstances of the

case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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.

Observations made here-in-above shall not be construed as an expression on merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

However, it is made clear that in future if the petitioner is found involved in any case of similar nature, the respondent-State would be at liberty to take necessary steps for cancellation of bail granted to the petitioner in present case.

(SANJAY VASHISTH)
JUDGE

September 16, 2022

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No