

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

207

**CRM-M-47204-2022
Decided on : 28.10.2022**

Javed Akhtar

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kunal Dawar, 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 – Javed Akhtar, who has been booked for having committed the offence punishable under Section 21(b) of NDPS Act, 1985, in FIR No.526, dated 01.09.2022, registered at Police Station Mujesar, District Faridabad, Haryana during the pendency of trial.

Learned counsel for the petitioner submits that the petitioner is a young boy, aged 18 years and is a student of 12th standard, SCL Inter College, Kasganj, U.P. On the basis of a secret information, accused Vikas @ Vicky was apprehended and from his possession 15.65 grams of smack was recovered. Counsel for the petitioner argues that recovery in the present case is effected on 01.09.2022 but on the basis of the disclosure statement of main accused, Vikas @ Vicky dated 03.09.2022, name of the petitioner surfaced as the supplier to the main accused, Vikas @ Vicky.

Counsel for the petitioner further submits that petitioner has been involved falsely in the case because had there been any truth in the allegations against the petitioner, his name would have been disclosed by the main accused at the first instance at the time of arrest.

Counsel further argues that otherwise also quantity recovered from the main accused is just three times to the small quantity i.e. 5 grams and as per the provisions of the NDPS Act, commercial quantity of smack is 250 grams. Counsel for the petitioner contends that the petitioner is not involved in any other similar activity and if, he remains inside jail for a longer period, that may prove detrimental to the mental faculties and future career of the petitioner.

Countering the arguments of the counsel for the petitioner, learned State counsel submits that although petitioner is not involved in any other similar activity, yet from the disclosure statement of the main accused, it is clear that he is active participant in the crime which is against the society. Therefore, petitioner does not deserve any sympathy. Learned State counsel further contends that in case of granting of bail, petitioner may get involved in the company of other drug paddlers.

I have heard learned counsel for the parties and perused the relevant material on record.

I find that the petitioner is a young boy of 18 years of age and is studying in 12th Class. Involvement of the petitioner is yet to be established and keeping the petitioner inside jail at this stage for a longer time may prove fatal to his mental faculties and future career, especially when he is not involved in any other similar activity. Otherwise also recovery of smack weighing 15.65 grams in the present case is from main accused i.e. Vikas @

Vicky and the petitioner is involved only on the basis of the disclosure statement of the said accused, which is recorded 3 days after the registration of the FIR.

After considering the aforesaid circumstances and the reasons, I deem it appropriate to grant concession of bail to the petitioner.

Accordingly, prayer made in 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.

Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made here-in-above 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 evidence available on record.

It is made clear that in case in future, petitioner is found involved in another case of similar nature, prosecution would be at liberty to move an application for cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

28.10. 2022

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No