

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

CRM-M-29072-2023

Date of decision : 03.07.2023

Faheem Khan

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kotla, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavata, AAG, Haryana.

MANOJ BAJAJ, J.

By means of this petition under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR No.169 dated 28.02.2023 registered under Sections 18 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Samalkha, Panipat District Panipat during the pendency of the trial. The petitioner was arrested on 06.03.2023.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Panipat in the order dated 31.03.2023 are as under:-

“The prosecution version in brief is that the police had apprehended the accused Om Kar son of Mohan Lal on 28.02.2023, while being in possession of 2 kilo 800 grams opium. In his disclosure statement, he revealed that he had purchased the contraband from accused-applicant Faheem Khan. Accused Faheem Khan was formally arrested on 06.03.2023.”

Learned counsel for the petitioner has argued that the recovery of contraband (2 kilo 800 grams opium) was made from co-accused-Om kar son of Mohan Lal, but during investigation, on the basis of his disclosure statement, the petitioner was implicated as an accused. He submits that the case of the prosecution qua petitioner is comparatively founded upon weak nature of evidence. According to the learned counsel, the investigation of the case is also

complete as final report has been filed, therefore, he prays for regular bail.

While opposing the prayer, learned State counsel assisted by SI Subhash Chander has argued that the co-accused-Onkar in his disclosure statement specifically stated that the contraband was sold to him by the petitioner, therefore, the petitioner was rightly implicated in this case as an accused. However, it is not disputed by learned State counsel that the petitioner is not involved in any other case of similar nature. He further on instructions states that the investigation is complete, but charges are yet to be framed.

After hearing learned counsel for the parties and examining the background of this case, this Court finds the present case to be a fit case for granting regular bail to the petitioner as the investigation of the case is complete. During the course of hearing, it is not disputed by learned State counsel that neither any recovery was made from the petitioner nor he is involved in any other case of similar nature. Since the trial is yet to commence, therefore, further detention of the petitioner behind the bars may not serve any useful purpose. Apart from it, the prosecution witnesses are police official and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.07.2023

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No