

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13703-2024

Date of Decision: 21.03.2024

Sakil Khan alias Lalla

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gurnoor Singh, Advocate with
Mr. G.S. Goraya, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 342 dated 29.08.2023, registered under Sections 15(C) and 29 of NDPS Act, 1985 and Section 201 of IPC, at Police Station City Thanesar, Kurukshetra.

2. As per case of the prosecution, 56 kg of poppy straw was recovered from Krishanpal @ Bhure and Avnish Kumar, co-accused and were ordered to be arrested by the police.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor there is any averment, which connects the petitioner with the crime in any manner. The petitioner was involved only on the basis of the disclosure statement of the co-accused and except the said disclosure statement, there is no other evidence against him. Even the police has wrongly stated that the amount of Rs.5,000/-, which was allegedly recovered from the present petitioner, was drug money. He further contends

that the petitioner was arrested in the present case on 02.09.2023 and is in custody since then. Learned counsel further contend that no other case was ever registered against the present petitioner and the challan in the present case has already been presented before the Competent Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and he does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 02.09.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. Even the main accused, namely, Krishanpal @ Bhura and Avnish Kumar have already been granted the concession of bail. Thus, no purpose would be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

21.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No