
(2021) 02 P&H CK 0141

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 31675 Of 2020 (O&M)

Ram Lakhan @ Lakhan

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 15-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Narcotic Drugs And Psychotroic Substantes Act, 1985 — Section 21(c), 29
Indian Penal Code, 1860 — Section 188, 269
Arms Act, 1959 — Section 25, 54, 59

Citation : (2021) 02 P&H CK 0141

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : R.S. Mamli, Sharad Aggarwal

Judgement

Harsimran Singh Sethi, J

CRM-29650-2020

Application is allowed.

Order dated 31.08.2020 passed in CRM-M-23679-2020 is taken on record.

Main case

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.169 dated 21.04.2020

registered under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 188 and 269 of the Indian Penal

Code, 1860 as well as Sections 25, 54, 59 of the Arms Act, 1959, at Police Station City Tohan, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and he has been roped in the FIR on the basis of

disclosure statement of the co-accused who was caught with the contraband. He submits that no recovery except Rs.15,000/- has been done from the petitioner, source of which the petitioner has already disclosed and there are no other cases pending against the petitioner. Learned counsel further submits that the disclosure statement of the co-accused as well as recovery of Rs.15,000/- recovered from the petitioner to be related with the drug money are yet to be proved during the trial and the petitioner is already behind the bars since 19.06.2020.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the State submits that the disclosure statement of not only the co-accused but also of the petitioner discloses the fact against the petitioner relating to violation of NDPS Act and the drug money of Rs.15,000/- has already been recovered from the petitioner and, therefore, the petitioner is not entitled for the grant of regular bail. It is conceded by the learned counsel for the State that there are no other cases pending against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations in the disclosure statement of co-accused are yet to be proved during the trial. It is yet to be proved that the money which has been recovered from the petitioner relates to drug operations. Once, there are no other cases pending against the petitioner and trial is likely to take some time before it concludes and no justifiable cause will be served in keeping the petitioner behind the bars throughout the trial, hence, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that the petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court

for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case