

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

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CRM-M-14839-2015

Date of Decision: 31.7.2015

PURAN @ GURDEV SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajay Ghangas, Advocate
for the petitioner.

Mr. Arun Luthra, AAG, Haryana.

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 17 dated 20.1.2015 registered under Section 15/61/85 of the N.D.P.S. Act at P.S. Safidon, Jind, Distt.Jind.

As per allegations, secret information was received that in village Malik Pur on Dera Sacha Sauda Gurudwara Road near the under-constructed house of Lakhvinder, petitioner is standing with a plastic bag containing narcotic substance and he is dealing in poppy husk. If raid is conducted, he can be apprehended with narcotics. Information was treated to be plausible and intimation to this effect was given to the Deputy Superintendent of Police. When police party reached near under-constructed house of Lakhvinder, then the accused on seeing the police party fled away from the spot after leaving the plastic bag near the *kotha*. On search, 9 kgs and 100 grams of poppy husk was recovered from the bag. Petitioner was arrested on 6.3.2015 i.e. after 1 ½ month of the alleged occurrence.

Since the alleged contraband recovered from the petitioner is non-commercial in nature; petitioner was not arrested from the spot; the alleged recovery was effected from open field, the case involves debatable issues.

Without embarking upon merits of the case, petitioner is ordered to be released on regular bail.

Accordingly, this petition is allowed.

Let the petitioner be enlarged on bail, subject to furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jind.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

July 2015
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