

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

**CRM-M No.33425 of 2015
Date of Decision: 06.11.2015**

Roshandeep Singh @ Roshan Singh	...Petitioner
Vs.	
State of Haryana	...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sukhraj Singh Brar, Advocate for
for the petitioner.

Mr. Siddharth Sanwaria, D.A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.

[1]. In pursuance of order dated 15.10.2015, the Investigating Officer has come present and has explained the circumstances in which previous statement was made.

[2]. This is second petition for grant of regular bail in case bearing FIR No.87 dated 13.08.2013 under Sections 15/16/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and Section 25 of the Arms Act, 1959, registered at P.S. Odhan District Sirsa.

[3]. Shorn of unnecessary details, total narcotic substance i.e. poppy straw weighing 300 kgs. was recovered from the petitioner. As per prosecution case search was effected in the presence of DSP, Ellanabad. The bags lying in the vehicle were counted and were

found to be 15 in number. On search, poppy straw was found containing in those bags. Each bag was weighing 20 kgs.

[4]. After sampling, the contraband was taken in police possession. Besides recovery of contraband, three live cartridges of .12 bore were also recovered from internal pocket of the accused along with mobile and currency notes of Rs.4900/-. The accused named Jaswinder Singh, who gave these cartridges to him. Jaswinder Singh had run away from the spot along with pistol.

[5]. The earlier prayer for bail was declined by this Court on 29.04.2015, when learned State counsel on instructions from the Investigating Officer, stated that out of 12 witnesses, 4 witnesses had already examined and next date was stated to be 29.05.2015 for remaining prosecution evidence. The person, who had run away from the spot was declared to be proclaimed offender. Keeping in view the facts and circumstances, the prayer for regular bail was declined in view of bar created in terms of Section 37 of the NDPS Act.

[6]. Now the petitioner has come with second prayer that the statement made by the Investigating Officer, at that stage was factually wrong.

[7]. Vide order dated 09.10.2015 the accused Jeeta Singh and Roshan Singh were produced before the trial Court. The case was adjourned for 10.11.2015 for remaining prosecution evidence.

[8]. Learned State counsel on instructions from the

Investigating Officer states that every endeavour will be made to expedite the trial.

[9]. Since the earlier petition for grant of regular bail was dismissed on merits. The FIR is of 13.08.2013, keeping in view the fact that huge recovery of contraband has been effected from the accused and the accused-petitioner is not entitled to bail in view of bar created in terms of Section 37 of the NDPS Act, therefore, the delay if any, is not solely attributable to the prosecution in view of the fact that the second accused remained as proclaimed offender.

[10]. In view of aforesaid, no new ground is made out to grant regular bail to the petitioner, consequently the petition is dismissed.

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

November 06, 2015

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(RAJ MOHAN SINGH)
JUDGE