

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

CRM-M-6890 of 2015
Date of Decision: 01.04.2015

Dilbagh @ BagaPetitioner
Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Ms. Mahima, AAG, Haryana.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No. 56 dated 09.03.2014, under Sections 18 and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act registered at Police Station, Murthal, District Sonapat.

2. Precisely, the accusation against the petitioner is that on 09.03.2014 in pursuance of a secret information received by Station House Officer, Police Station, Murthal and in presence of Deputy Superintendent of Police Ajit Singh, his staff and Surender Kumar Sharma, BDPO Ganaur, a black colour Xylo car coming from the side of Delhi was intercepted. Three persons were sitting in the car who on query disclosed their names as Ajay @ Ramu, Chhabeg Singh and Dilbagh @ Bagga. On personal search of Chhabeg Singh, 3.5 Kg opium was recovered and on personal search of Dilbagh Singh@

Bagga, a country made pistol.315 bore was recovered. Chhabeg Singh suffered a statement that the opium belongs to him and Dilbagh Singh. Required proceedings were conducted and all the three accused were arrested.

3. Heard the submissions made by Mr. K.S. Dhaliwal, Advocate representing the petitioner and Ms. Mahima, AAG, Haryana representing the State.

4. Admittedly, the polythene bag containing 3.5 Kg opium was recovered on personal search of co-accused Chhabeg Singh as the bag was lying between his legs. Only a country made pistol was recovered from the petitioner. The only evidence connecting the petitioner with recovery of opium was the statement of co-accused Chhabeg Singh that the contraband belonged to him and Dilbagh Singh.

5. The trial is stated to have started but will take some time to complete. The petitioner is in custody since 09.03.2014. Nothing remains to be recovered from him in the instant case. As such, there being no plausible ground to detain the petitioner in custody during trial and without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is released on bail subject to his furnishing bail/surety bonds, to the satisfaction of trial Court/Duty Magistrate, Sonapat.

April 01, 2015
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(SNEH PRASHAR)
JUDGE