

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

CRM-M No. 28707 of 2016 (O&M)
Date of decision : September 19, 2016

Kulwinder Singh,

..... Petitioner

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Amol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi & Mr. Navneet Jindal, Advocates
for the petitioner.

Mr. Satish Saini, DAG Haryana

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.39,
dated 17.2.2016, registered under Sections 21C/22C/27A/61/85 of the
NDPS Act and Section 18C of the Drugs and Cosmetic Act, at Police
Station Dabwali Sadar, District Sirsa.

Learned counsel for the petitioner has argued that the
petitioner was running a utensils shop in the premises owned by one

Kirandeep Singh who had a valid drug licence and was also running a

chemist shop in the same village. The alleged drugs were recovered from a room behind the shop. As per learned counsel, this was a planted recovery because once Kirandeep Singh had a legitimate business, there would be no benefit in keeping the drugs at the utensils store of the present petitioner. The alternative argument of the learned counsel is that this was being used to store the medicines by Kirandeep Singh. The petitioner has been in custody since 17.2.2016 and no evidence has been collected that he ever sold any drugs.

Learned DAG Haryana, on instructions from ASI Ashok Kumar, is not in a position to deny these factual assertions.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court.

Petition stands disposed of.

September 19, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No