

CRM-M-30480 of 2016 (O&M)

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

Date of Decision: October 6, 2016.

(1)

CRM-M-30480 of 2016 (O&M).

Narender Singh

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

(2)

CRM-M-30716 of 2016 (O&M).

Rajender Singh

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Partap Singh, Advocate,
for the petitioner in CRM-M-30480-2016.**

**Mr.J.S.Bedi, Sr., Advocate, with
Mr.L.S.Chahal, Advocate,
for the petitioner in CRM-M-30716-2016.**

Mr.G.S.Salwara, DAG., Haryana.

M.M.S. BEDI, J. (ORAL)

This order will dispose of the above noted two petitions i.e. CRM-M-30480-2016, filed by Narender Singh and CRM-M-30716-2016, filed by Rajender Singh, for the grant of regular bail.

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Brief fact, which are relevant for the decision of both the petitions for the grant of regular bail, are that an FIR No.177 dated 22.5.2016, was registered under Sections 20 of the NDPS Act, at Police Station, Matlauda, District Panipat, on the basis of recovery of 190 gms. of charas from Rajesh.

During the course of investigation, Inspector Rajender Singh was involved in the case on the basis of a disclosure statement made by Ishwar Singh, the brother of accused Rajesh to the effect that Ishwar Singh had been called on 22.5.2016, at about 9:30 P.M. by Rajesh, to his house where Rajender Singh and Narender Singh petitioners were present. He stated that Inspector Rajender Singh told him that charas has been recovered from his brother and they had planted 190 gms. charas upon him and in case Ishwar Singh did not cooperate with him and does not pay a sum of Rs.10 lacs, his brothers would be sent behind bars for a period of 15 years.

So far as Narender Singh, petitioner is concerned, he stated that the amount will not be less than Rs.8 lacs on which a sum of Rs.3 lacs had been paid to Rajender Singh petitioner. Another sum of Rs.5 lacs was paid through Narender Singh to Rajender Singh petitioner. The amount of Rs.5 lacs had been paid by said Ishwar Singh after withdrawing Rs.2.5 lacs from Kisan Credit Card and borrowed amount of Rs.2.5 lacs from one Naresh.

Mr.J.S.Bedi, learned senior counsel has argued that it is a case where no recovery has been effected from the petitioners.

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On asking of the Court, it has been informed that challan has already been presented against the petitioners. A perusal of the police file indicates that a disclosure statement had been made by Rajesh disclosing the manner in which he had distributed charas to different persons and that he could recover 2.5 kgs. of charas from his house. It appears that no recovery of any additional quantity of charas was effected.

Without expression of any opinion on merits of the case, it is sufficient to observe that no doubt the allegations of having accepted money are serious but since challan has already been presented and no recovery has been effected from petitioner Rajender Singh, who has been in custody w.e.f. 25.5.2016 and similarly petitioner Narender Singh who has been in custody w.e.f. 2.6.2016, their custody is no more required. Whatever recoveries could have been made stand already effected. The trial is likely to take a long time and no useful purpose will be served by keeping the petitioners in custody.

Both the petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a condition that they will not indulge in similar activity during pendency of the trial.

(M.M.S. BEDI)
JUDGE

October 6, 2016.
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Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No