

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1024-2018 (O&M)

Date of decision: 24.01.2018

Sukhdayal Singh @ Rinku @ Partap

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.333 dated 18.08.2017 under Sections 21/25 of NDPS Act, registered at Police Station Butana, District Karnal.

Learned counsel for the petitioner submits that the petitioner has been implicated in six FIRs i.e. FIR Nos.329, 330, 331, 333, 872 and 873 relating to the same police station. Counsel for the petitioner further submits that the petitioner is in judicial lockup since 18.08.2017 and in four cases, he has been granted bail. Counsel for the petitioner also submits that in FIR No.330 dated 17.08.2017, the petitioner has been granted bail vide order dated 09.01.2018 passed in CRM-M-48066-2017 and in FIR No.331, he has been granted the concession of bail vide order dated 21.12.2017 passed in CRM-M-48179-2017. It is submitted that in two other cases, the petitioner has been

granted regular bail by the Judge, Special Court. It is further submitted that investigation in this case is complete, challan has been presented and FSL report is still awaited and therefore, the trial is at initial stage and it will take some time in conclusion of the same.

Learned State counsel has filed the custody certificate dated 23.01.2018 and has opposed the prayer for bail on the ground that the petitioner, apart from the present case, is involved in five other cases and is a habitual offender.

After hearing learned counsel for the parties, on perusal of the order dated 09.01.2018, wherein this Court has observed that in three FIR Nos.329, 331 and 333, the recovery is of non-commercial quantity and in the other FIRs, the petitioner has been roped in on the strength of Section 29 of NDPS Act.

Without commenting anything on merits of the case and in view of the facts and circumstances of the present case, considering the fact that the petitioner is in judicial lockup since 18.08.2017; he has been granted bail in other FIRs; investigation is complete and challan has been presented; recovery is of non-commercial quantity, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

24.01.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No