

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

CRM-M No.23275 of 2018

Date of Decision: 01.08.2018

Dalbir

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Robin Singh Hooda, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

DAYA CHAUDHARY, J.

Petitioner-Dalbir has filed the present petition under Section 439 Cr.P.C for grant of regular bail to him in case FIR No.772 dated 28.11.2017 registered under Section 18 of the NDPS Act at Police Station City Sonapat, District Sonapat during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved in any manner. As per allegations levelled in the FIR, the recovery effected from the petitioner was opium, which was 93 grams and is less than the commercial quantity. The petitioner is in custody since 28.11.2017. All the witnesses are official and there is no possibility that the petitioner may influence them or tamper with the evidence. Learned counsel also submits that no other case under the NDPS Act is pending against the petitioner and his bail application has been dismissed only on the ground that he is undergoing sentence in another case i.e FIR No.98 dated 12.04.2000

registered under Sections 323, 324, 307/34 IPC and Section 25 of the Arms Act.

Learned State counsel has not disputed the alleged recovery and custody period but has opposed the submissions made by learned counsel for the petitioner with regard to grant of bail on the ground that in a case under Section 307 IPC, he has been convicted.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

The recovery effected from the petitioner is 93 grams of opium, which falls under the non-commercial quantity. The petitioner is in custody since 28.11.2017. No other case under the NDPS Act is pending against the petitioner. All witnesses are the official witnesses and there is no possibility that the petitioner may influence them. Petitioner has already undergone sentence in another case, which is not under the NDPS Act and hence, it cannot be a ground to reject his bail.

Accordingly, the present petition is allowed and petitioner-Dalbir is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that in case, the petitioner is found to be involved in any other case under the NDPS Act, the State is at liberty to move an application for cancellation of his bail.

(DAYA CHAUDHARY)
JUDGE

01.08.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No