

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30423-2018 (O&M)
Date of decision: 25.07.2018

Ranjit Singh @ Jeeta

... 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.99 dated 01.06.2017 under Sections 21 & 29 of NDPS Act, registered at Police Station Jhansa, District Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police, on suspicion, apprehended co-accused Sukhwinder Singh @ Sukhi and on search, 09 grams of heroine in a polythene bag was recovered from him. Counsel for the petitioner further submits that the petitioner was not named in the FIR and on the basis of disclosure statement made by aforesaid co-accused Sukhwinder Singh @ Sukhi, he was nominated in the FIR and was arrested after 09 days of registration of the FIR. It is further submitted that aforesaid co-accused Sukhwinder Singh @ Sukhi has already been granted the concession of regular bail by the trial Court, whereas bail to the petitioner was

declined on the ground that he is involved in one more FIR under the NDPS Act i.e. FIR No.31/2017, in which he is on bail.

Learned counsel for the petitioner has further submitted that the petitioner is in judicial custody since 13.06.2017 and is no more required for further investigation. It is further submitted that challan has been presented and it will take long time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 24.07.2018 in the Court today and as per this custody certificate, the petitioner is on bail in aforesaid FIR No.31.

Without commenting anything on merits of the case, considering the fact that the petitioner was not named in the FIR and he has been involved in the FIR on the basis of disclosure statement of co-accused Sukhwinder Singh @ Sukhi; he is on bail in another FIR; recovery is of non-commercial quantity and the petitioner was arrested after 09 days of registration of the FIR and also in view of the fact that even while conducting the recovery from co-accused Sukhwinder Singh @ Sukha, who was arrested at the spot, no notice under Section 50 of the NDPS Act was given to him, this petition is allowed and the petitioner is directed to be released on regular 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

25.07.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No