

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

**CRM-M-43125-2018
Date of decision: 22.10.2018**

Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sarvesh Kumar Gupta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 309 dated 14.08.2018, under Sections 20 & 27-A of the NDPS Act, 1985, registered at Police Station Badhra, Charkhi Dadri.

Learned counsel for the petitioner submits that as per the allegations in the FIR, which was recorded on receiving a secret information, SI Hitender stopped a motorcycle and apprehended three persons, namely Sandeep @ Nippo, Manjit @ Bachiya and Satish. Thereafter, when a notice under Section 50 of the NDPS Act was served, they opted to be searched before a Gazetted Officer and DSP, Badhra was called at the spot and in his presence, the subsequent proceedings were undertaken and 1 KG Charas (Sulfa) was recovered. Thereafter, the FIR was registered in which it is stated that further investigation was conducted by ASI Pawan Kumar and in his presence, the aforesaid three accused persons made disclosure statement that they have purchased the recovered

contraband from petitioner Rinku and his accomplices Parveen and Mohan @ Kalia.

Learned counsel for the petitioner further submits that the said disclosure statement was not recorded in the presence of the DSP, who was present at the spot. It is further submitted that the petitioner is aged about 19 years and he is a student.

Learned counsel for the petitioner further submits that petitioner is in judicial custody for the last two months and six days and he is not involved in any other case.

Learned State counsel, on the basis of the custody certificate dated 03.10.2018 and on instructions from HC Sandeep Kumar, has not disputed the aforesaid facts. As per said custody certificate, the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last two months and six days; he is not involved in any other case and also considering the fact that petitioner is 19 years of age and is a student, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 22, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No