

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-48066-2017 (O&M)

Date of decision:09.01.2018

Sukhdayal Singh @ Rinku @ Partap

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Ms. Manjot Kaur, Advocate for the petitioner.

Mr. S.K. Yadav, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.330, dated 17.08.2017, under Sections 21/27 of the NDPS Act, registered at Police Station Butana, District Karnal.

As per prosecution version, recovery of 20 grams of smack was effected from six other co-accused. Petitioner is sought to be nominated as a an accused on the statement of co-accused.

Petitioner was arrested on 15.09.2017.

Investigation in the case is complete and even challan has been presented. Trial is still at the initial stage and would take time to conclude.

Prayer for bail has been vehemently opposed by learned State counsel by contending that the petitioner is a habitual offender and is involved in five other FIRs under the NDPS Act.

It has however gone uncontroverted that only in three FIRs i.e. FIR No.331, dated 18.08.2017, FIR No.329, dated 17.08.2017 and FIR No.333 dated 18.08.2017, an alleged recovery of non commercial quantity

was effected from the petitioner. Petitioner has been granted bail by this Court in FIR No.331 dated 17.08.2017 vide order dated 21.12.2017 passed in CRM-M-48179-2017.

Insofar as the other FIRs are concerned, petitioner has been roped in on the strength of Section 29 of the NDPS Act.

In the totality of circumstances and in view of the observations made hereinabove, petitioner is held entitled to the benefit of bail.

Petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Karnal.

09.01.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |