

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

CRM-M-48776-2017(O&M)

Date of decision:-21.5.2018

Mukhtiar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.A.S. Dhillon, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Mukhtiar Singh – an accused in FIR No.249 dated 8.6.2015, under Sections 420, 468, 201 IPC and 15/25/27-A/29/31 of NDPS Act and 25 of Arms Act, registered at Police Station Pehowa, District Kurukshetra.

Briefly stated, the prosecution story is that Richhpal Singh and Ranjeet Singh related to each other closely, have been involved in drug trafficking since long; that a huge of contraband in the form of 18928 kgs. of poppy husk as well as a large cache of fire arms were recovered from the residential house situated at Pehowa, District Kurukshetra and that house belong to Richhpal Singh and his father-in-law Mukhtiar

Singh (present petitioner). As per the prosecution case Pawan Kumar had been getting the contraband supplied to Richhpal Singh and Mukhtiar Singh from his acquaintances. Formal FIR was registered. Accused Richhpal was arrested on 30.7.2015, whereas accused Mukhtiar Singh (present petitioner) and Ranjit Singh were arrested on 27.6.2015 and 9.6.2015, respectively and Pawan was arrested on 11.8.2015. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Kurukshetra vide order dated 24.12.2015, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

It is contended by learned counsel for the petitioner that petitioner was not arrested at the spot and nothing was recovered from him but even then he has been involved in this case and arrested; that he is behind bars for last about 3 years; that the trial is not likely to be concluded in near future, therefore concession of regular bail be granted to him.

Whereas the request is being opposed by the State counsel contending that out of 71 prosecution witnesses, 14 PWs have been examined; that as per the prosecution story, the house from where the huge quantity of contraband and a large number of illegal weapons, which included country-made pistol 12 bore, a country-made pistol of .315 bore,

21 live cartridges 12 bore, 7 live cartridges 315 bore, 2 empties of 315 bore, 3 empties of 32 bore, forged vehicle number plates, mobile phone, voter card, ID of accused Richhpal had been recovered belongs to Richhpal and his father-in-law Mukhtiar Singh (present petitioner). The petitioner cannot simply wash his hands off the matter saying that he has nothing to do with the house in question. Learned State counsel has placed on file copy of sale deed regarding the house in question in the name of the present petitioner.

After hearing learned counsel for the parties, I am of the considered view that keeping in view the facts and circumstances of the case, the nature of incident and recovery, no case for grant of regular bail is made out. Such type of accused cannot be relied upon and there are every chance of his absconding, tampering with the prosecution evidence, indulging in criminal activities again and trying to escape the justice delivery system, if granted bail.

Therefore, finding no merits in the petition, the same stands dismissed.

21.5.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No