

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

CRM-M-49743-2018

Date of decision:19.11.2018

Jitender @ Rempi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.783 dated 06.08.2018 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Thanesar, District Kurukshetra.

The case of the prosecution is that Heroin weighing 8.50 grams was recovered from co-accused namely Sandeep Kawatra. It is further case of prosecution that subsequently during interrogation he (co-accused, Sandeep Kawatra) suffered a disclosure statement that he had procured the aforesaid Heroin from the present petitioner for an amount of ₹7,500/-. It was pursuant to the said disclosure statement that the petitioner was arrested on 25.08.2018.

Learned counsel for the petitioner submits that he has falsely been implicated solely on the basis of statement of co-accused, and that

the evidentiary value of the same in any case is to be assessed during the course of the trial. It has further been submitted that quantity involved in the present case in any case is less than 'commercial quantity', hence he deserves the concession of bail.

On the other hand, learned State counsel while opposing the bail application submits that the petitioner is involved in 7/8 other criminal cases including one case under the Narcotic Drugs and Psychotropic Substances Act, 1985.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been behind bars since last about 2 months and also that he was not arrested at the spot and that the challan has already been presented, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Jitender @ Rempi is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate, Kurukshetra.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

19.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**