

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

**CRM-M-15393-2019  
Date of decision: 29.05.2019**

**Rajesh alias Sultan Singh**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Bhupender Singh, Advocate  
for the petitioner.

Mr. Deepak Grewal, 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. 131 dated 02.05.2018, registered under Sections 420, 467, 468, 471 of the IPC and Section 18, 20, 21 of the NDPS Act, 1985 at Police Station Taroari, District Karnal.

Learned counsel for the petitioner submits that the petitioner was already in judicial custody in some other FIR and was lodged in Nabha jail since April, 2018.

Learned counsel for the petitioner further submits that admittedly the petitioner was not present at the spot as he was confined in judicial custody and he was nominated in the disclosure of co-accused Rajesh.

Learned counsel for the petitioner further submits that the main accused Amit as well as Haripal have already been granted concession of regular bail, vide orders dated 07.05.2019 and 08.01.2019, passed in

CRM-M No. 44462 and 41575 of 2018, respectively. The operative part of the order dated 07.05.2019 reads as under:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on a secret information, it was informed that the petitioner is making duplicate papers and government documents and if a raid is conducted, he can be apprehended with duplicate stamps. On the basis of the said secret information, the Investigating Officer obtained search warrant of the house of Parveen @ Monu and the petitioner, at the time of search, was found present there and from the house of Parveen @ Monu, certain fake stamps, a machine for preparing stamps and documents and some stamps of different departments were recovered. Upon search, one polythene bag having some substance was also recovered and after giving notice under Section 50 of the NDPS Act, in which, the petitioner reposed faith on the Investigating Officer, search was conducted and 127 Grams of *Charas*, 103 Grams of Samck and 520 Grams of Opium were recovered.

Learned counsel for the petitioner further submits that petitioner is the first offender and he is in custody for the last one year and the case is still at the stage of recording the statement of prosecution witnesses. It is further submitted that co-accused Haripal has already been granted concession of regular bail by this Court, vide order dated 08.01.2019 passed in CRM-M-41575-2018.

Learned State counsel, on instructions from ASI Ramesh Chand and on the basis of the custody certificate filed today in Court, could not dispute the factual position and submitted that recovery was effected from the house of aforesaid Parveen @ Monu, who is cousin of the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is the first offender and is in judicial custody for the last one year and also in view of the fact that co-accused Haripal has already been granted concession of regular bail as noticed above, 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.”

Learned counsel for the petitioner further submits that nothing was recovered from the petitioner even after his arrest in the present case on

production warrant on 12.06.2018. It is also submitted that the conclusion of the trial is likely to take a long time.

Learned State counsel, on the basis of the custody certificate filed today in Court and on instructions from ASI Ramesh Chand, has not disputed the factual position, however, submitted that the petitioner was convicted in FIR No. 21 dated 13.02.2013, under Sections 21, 22 of the NDPS Act by the Judge, Special Court, Fatehgarh Sahib and was in judicial custody in that case when his production warrant was taken and he was arrested in the present case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions of learned counsel for the petitioner as well as the fact that two co-accused of the petitioner have already been granted concession of regular bail as noticed above, 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.

29.05.2019

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*