

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

234

CRM-M-34967-2018

DATE OF DECISION: 24.09.2019

RINKU KUMAR @ RINKA

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.K. Chauhan, Advocate for the petitioner(s).

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.71 dated 14.02.2018, under Sections 15 and 29 of the NDPS Act, registered at Police Station Farakpur District Yamuna Nagar.

Learned counsel for the petitioner contends that the allegations in the FIR are that 240 kgs of poppy husk was recovered from the truck which was allegedly being driven by the petitioner. He further contends that the petitioner is a professional driver and was carrying goods including fire fighting equipment which were being transported from Bombay to Dehradun. He also contends that the petitioner was not aware about the nature of the goods as the same had been transported at the behest of the owner of the truck. He also states that although the alleged recovery was effected from busy road but there is no independent witness to the recovery. The petitioner is in custody for over 1 year and 6 months and he is not involved in any other case

under the NDPS Act. He also states that the petitioner is a sole

bread winner of his family which comprises his wife and two minor children.

Learned State counsel, upon instructions from SI Satpal Singh, states that 5 out of 15 prosecution witnesses have been examined.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for over 1 year and 6 months, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

24.09.2019

SwarnjitS

**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No