

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

**CRM-M No. 26859 of 2019
Date of Decision:-04.07.2019**

Raj Kumar alias Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gurpreet Singh Sandhu, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Raj Kumar alias Raju has preferred this petition for grant of regular bail pending trial in case FIR No.76 dated 31.3.2019, under Section 21 of NDPS Act, 1985, registered at Police Station City Mandi Dabwali, District Sirsa. The petitioner is in custody since his arrest on 01.4.2019.

The FIR was registered upon recovery of 5 grams 30 miligrams Heroin from two accused persons, namely, Jaspreet alias Jassa and Sohan Singh alias Sonu, who were riding the motor-cycle. According to the prosecution, when the police party was present on the turning point of main street leading from Chautala road to Indira Nagar with regard to patrolling

and in search of bad elements, two young men were seen coming on motor-cycle bearing registration No. PB-30L-8093 from Indira Nagar side and looking the police party ahead, they tried to turn back the motor-cycle but the same slipped and the accused persons fell down. On the basis of suspicion, the said accused persons were caught, who disclosed their names as Jaspreet alias Jassa and Sohan Singh alias Sonu and on search, said contraband was recovered wrapped in polythene kept under an old cloth between visor and meter of said motor-cycle. After completion of formalities, the alleged contraband was recovered and accused were arrested.

After completion of recovery proceedings, the accused informed the police that the said contraband was purchased from Raj Kumar @ Raju (petitioner).

Learned counsel for the petitioner contends that only material to indict the petitioner is the statement of co-accused, who were found in possession of the contraband and arrested on the spot and the said statement may not be admissible in evidence. According to him, possession of the contraband is an offence and even if the statement, is to be believed, the offence qua the petitioner was not at all complete.

The bail application is opposed by learned State counsel, who is assisted by ASI Charanjit Singh. It is not disputed that the investigation of the case is complete and involvement of the petitioner is founded on the statements suffered by the co-accused, from whom, the alleged contraband was recovered. However, it is not disputed that there are as many as four

other cases pending against the petitioner but he is on bail in that cases.

Considering the above and the fact that the trial is likely to consume some time, no useful purpose will be served by detaining the petitioner any further in custody. Resultantly, without commenting anything upon merits of the case, the petitioner, namely, Raj Kumar alias Raju is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 04, 2019

Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No