

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31563-2019

Date of decision: 15.10.2019

Deepak Sahni and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Dhull, Advocate
for petitioner No.1.

Mr. Harsh Chopra, Advocate
for petitioner No.2.

Mr. Vikramjit Singh, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.83 dated 09.03.2019 under Section 17 of NDPS Act, registered at Police Station Udyog Vihar, District Gurugram.

Learned counsel for the petitioners submit that as per allegations in the FIR, ASI Anil Kumar, on receiving a secret information that Deepak Sahni, Ravinder Nath and Ranjeet Rai are roaming around for selling opium and if a raid is conducted, they can be apprehended with some narcotic substance, ASI Anil Kumar, with the help of his co-police officials, apprehended all the three persons and issued a notice under Section 50 of NDPS Act and thereafter, ACP Braham Singh was informed and he reached at the spot. ASI Anil Kumar, in the presence of ACP, conducted search of all the three persons and from the search

of petitioner No.2 Ravinder Nath, 1 kg 700 gm opium was recovered in two packets and similar recovery was effected from petitioner No.1 Deepak Sahni and another co-accused Ranjeet Rai. It is further submitted that it will be a debatable issue to be decided during the course of trial whether separate recovery effected from the petitioners i.e. 1 kg 700 gm falls in the commercial quantity, individually or it is taken to be as collectively.

Learned counsel further submits that as per notice under Section 50 of NDPS Act, names of the accused persons have been wrongly mentioned as in the notice given to one co-accused, in the endorsement regarding the reading over the contents of the notice, name of other accused is recorded by the Investigating Officer. It is also submitted that both the petitioners are in custody since 13.03.2019 and are not involved in any other case and out of total 14 prosecution witnesses, only 01 has been examined so far.

Learned State counsel, on instructions from ASI Manoj Kumar and on the basis of police record, has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

15.10.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No