

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36039-2019

Date of Decision : September 06, 2019

Rajender Parshad @ Raju

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. K.S. Godara, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is second petition for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure in FIR No.198 dated 23.7.2018 under Sections 21, 22-C of NDPS Act, 1985, registered at Police Station Sadar Dabwali, District Sirsa.

Counsel for the petitioner submits that as per the allegations in the FIR, on 23.7.2018, the ASI, alongwith police party, was present in village Maujgarh on patrol duty and in the meantime, a young boy was seen coming on a motorcycle. On seeing the police party, he became perplexed and suddenly tried to turn the motorcycle. On suspicion, he was apprehended and it was found that he was carrying a black coloured bag on his shoulder. Thereafter, a notice under Section 50 of the NDPS Act was served upon him by Investigating

Officer-ASI Krishan Kumar giving an opportunity to be searched before the Investigating Officer or a Gazetted Officer, to which, he reposed confidence in the Investigating Officer and, thereafter, the Investigating Officer conducted the search of the bag, which Bhim Singh was carrying on his shoulder and found total 18700 tablets of Tramadol Hydrochloride

Counsel for the petitioner further submits that, later on, Bhim Singh, on the basis of a disclosure statement made by him that he has purchased the tablets from one J.P. @ Chander Parkash, resident of Pakitstan, the police arrested him and, thereafter, in his disclosure statement, the name of the petitioner surfaced. Counsel for the petitioner submits that it is a matter of trial, if the petitioner was in conscious possession as the other two other accused were found in possession of the tablets. Counsel for the petitioner further submits that subsequent to his arrested, no recovery was effected from him. Counsel has further submitted that the petitioner was initially granted the concession of interim bail, thereafter, he surrender before the trial Court and the challan has been presented and the charges are yet to be framed.

Learned State counsel, on instructions from ASI Ishwar Singh and on the basis of the custody certificate has not disputed that the petitioner is in custody for the last 02 months and 16 days and is not involved in any other case. He has also relied upon the disclosure statement made by co-accused Bhim Singh and J.P. @ Chander Parkash to connect the petitioner.

Without commenting anything on the merits of the case, considering the fact that the name of the petitioner surfaced on the disclosure statement of J.P. @ Chander Parkash, after the petitioner was arrested, nothing was recovered from him; he has undergone 02 months and 16 days; this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

September 06, 2019
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