

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

CRM-M-47183-2019

Date of Decision : December 17, 2019

Sukhpreet Singh alias Sukha	Petitioner
Versus	
State of Haryana	Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.193 dated 24.12.2018 under Section 21 of the NDPS Act, registered at Police Station, Ding.

Counsel for the petitioner submits that the co-accused of the petitioner, namely, Gurpreet Singh @ Gopy has already been granted the concession of regular bail. He further submits that the petitioner is in custody for the last about 10 months and, therefore, he has filed the second petition for grant of regular bail. He also submits that the petitioner has already been acquitted in one FIR No.280 and in the second FIR under the provisions of NDPS Act is also not related to the petitioner. The operative part of the order dated 6.11.2019 passed in CRM-M-22636-2019 reads as under :-

“Counsel for the petitioner submits has submitted that as per the allegations in the FIR, the petitioner was apprehended with 140 grams of heroin, which falls in the non-commercial quantity. It is further submitted

that there were 04 occupants of the car and the recovery was effected from the dashboard of the car, therefore, it will be a debatable issue to be decided during the course of trial regarding the conscious possession of the recovery. It is also submitted that the petitioner is in custody for the last more than 10 months and he is not involved in any other case.

Counsel for the State, on the basis of the custody certificate dated 5.11.2019 and on instructions from ASI Kishori, Lal, has not disputed the factual position, however, it is submitted that challan stands presented and only 02 prosecution witnesses have been examined.

Without commenting anything on the merits of the case, considering the fact that the petitioner is the first offender; he is not involved in any other case; the recovery is of non-commercial quantity and the conclusion of the trial is likely to take some time, 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/Illaqu Magistrate/Duty Magistrate.”

Learned State counsel, on instructions from ASI Devinder Singh has not disputed the fact that the petitioner stands acquitted in FIR No.280 under the NDPS Act and second FIR did not pertain to the present petitioner.

Without commenting anything on the merits of the case; considering the fact that the co-accused of the petitioner has already been released on regular bail; in view of the fact that the petitioner is not involved in case under the NDPS Act, 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/Illaq 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

December 17, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO