

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

Criminal Misc. No.M-47701 of 2019(O&M)

Date of Decision: November 15, 2019

Hardeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Dr.Sanjiv Gautam, Advocate
for the petitioner.

Mr.Parveen Kumar Aggarwal, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.14 dated 12.01.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station City Narwana, Jind.

The allegations against the petitioner are that on the intervening night of 11/12.01.2019, a bike was intercepted by the Police. One Vikram was driving the same, while the petitioner Hardeep was pillion rider. On search 700 grams of smack was recovered from the pocket of Vikram and 600 grams of smack was recovered from the petitioner.

Learned counsel for the petitioner has contended that there is no compliance of Section 50 of the NDPS Act. This issue can only be determined at the stage of trial.

Learned counsel for the petitioner further referred to the order

of Haryana', which was a petition seeking bail filed by a co-accused in the present FIR wherein, learned State counsel on instructions from ASI Roshan Lal stated that recovery of 1 kg 300 gms of smack was from co-accused Vikram only. On the basis thereof, he contended that it is the case of the prosecution that the entire recovery was from co-accused Vikram. This argument also cannot be accepted. In the FIR it has been specifically recorded that 600 grams of smack was recovered from the right pocket of the jacket of the petitioner. The recovery memo was prepared, which was duly attested at the spot, seals were affixed. The statement in that case appears to have been wrongly made. This is more so when in CRM-M-24282-2019 'Seema vs. State of Haryana' decided on 31.05.2019 filed by another co-accused in the same FIR, the State counsel on instructions from Sub Inspector Bhoop Singh stated that the recovery was effected from co-accused Vikram and Hardeep (petitioner).

Considering the fact that the petitioner was apprehended at the spot and the recovery is of commercial quantity of the contraband (smack), there is no ground to grant bail to the petitioner.

Dismissed.

November 15, 2018

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No