

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

**(Proceedings conducted through video conferencing on account of
Covid-19 Pandemic)**

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CRM-M NO. 10520 of 2020

Date of decision : 04.09.2020

Dilbag Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana
for respondent-State.

VIVEK PURI, J. (ORAL)

Briefly, the FIR No. 321 dated 16.08.2019 under Section 15 of the NDPS Act, 1985 has been registered at Police Station Sadar Fatehabad in pursuance of the recovery of 10.5 kg of poppy husk from the co-accused namely Sulakhan Singh.

It has been stated by the learned counsel for the petitioner that he has been nominated as an accused on the disclosure statement of co-accused Sulakhan Singh. However, no recovery has been effected from the petitioner in the instant case. Furthermore the quantity of contraband recovered in the instant case falls in the category of less than commercial quantity and as such the stringent provisions of Section 37 of NDPS Act do not come into play. The arrest of the petitioner was effected on 22.01.2020.

The investigation of the case is complete and challan has been presented.

Learned State counsel, on instructions from ASI Vijay Singh has not disputed the factual aspects but has stated that the petitioner has been convicted two other cases of NDPS Act and facing trial in one more case under NDPS Act. Learned Counsel for the petitioner states that the sentence of the petitioner has been suspended in both the cases in which he has been convicted and he is on bail in other case.

May it be so, it remains the fact that nothing has been recovered from the petitioner in the instant case and he is sought to be implicated on the basis of the disclosure statement of the co-accused. In such circumstances it shall be appropriate to extend the concession of bail to the petitioner. For the aforesaid reasons, without making any observations with regard to merits of the case, the petition is allowed and the petitioner be released on regular bail, subject to his furnishing requisite bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

04.09.2020
Rajeev (rvs)

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No