

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

**CRM-M-12412-2020
Decided on: 15.05.2020**

Daler Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mohit Sadana, Advocate
for the petitioner.

Mr. Pardeep Chahar, AAG, Haryana.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.150 dated 01.12.2019, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS'), registered at Police Station Machhroli, District Jhajjar.

Brief facts of the case are that a secret information was received that the petitioner is coming on Nurgarh-Patauda Road in his car bearing No.HR-26BS-6693 (white colour) to supply poppy straw. On this information, ASI Sudhir informed SHO and entered report No.14 in daily diary and informed the Area Officer. Thereafter, a raiding party reached at the spot alongwith the secret informer and barricaded the spot. While being barricaded, a white colour car having registration No.HR-26BS-6693 came from Nurgarh side and upon signal, the car was stopped and the driver was apprehended by ASI Sudhir with the help of his colleagues. On inquiry, the suspect disclosed his name as Daler Singh son of Rattan Singh and 44.200 kg poppy straw was recovered from his car.

It is contended by learned counsel for the petitioner that the petitioner is in custody since 01.12.2019 and there is no other case pending against him under the provisions of NDPS Act.

Also contends that the recovery is of non-commercial and after investigation, challan has already been presented. Even charges have also been framed and the case is pending for 02.07.2020 for prosecution evidence.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Ashok Kumar.

Since the petitioner is in custody since 01.12.2019 and investigation is also over; and the recovery of the contraband is less than the commercial quantity i.e. 44.200 kg and there is no other case under NDPS Act is pending against the petitioner, therefore, in the opinion of this Court, his further incarceration would not serve any purpose.

Consequently, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the CJM/ Duty Magistrate, concerned.

However, it is clarified that the petitioner shall not commit any recurrence and in case, he is found indulged in similar activity, State of Punjab would be at liberty to move an application for recalling of this order.

(MAHABIR SINGH SINDHU)
JUDGE

15.05.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No