

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-14025 of 2020
Date of Decision: 19.06.2020

Sham Lal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.260, dated 28.09.2019, having been registered against him, alleging therein the commission of offences punishable under Sections 22-B, 27-A of the NDPS Act, 1985.

Mr. Sekhon, learned counsel for the petitioner, submits that the petitioner has been implicated in the present FIR and another FIR registered on the same date, allegedly on the basis of disclosure statements made by the persons who, in those FIRs, are alleged to have been apprehended carrying less than commercial quantity of tablets of Lomotil (Diphenoxylate), with him further submitting that in fact the wordings of both the FIRs, though recorded at different

times on the same date, are almost identical and therefore it is very probable that they were recorded by the police officials sitting in the police station itself.

He further submits that the petitioner has been in custody for the past 9 months now in the aforesaid circumstances.

Mr. Bansal, learned DAG, Haryana, on the other hand submits that there are various other criminal cases under the provision of NDPS Act, 1985, registered against the petitioner, in some of which he was even convicted and therefore he does not deserve the concession of bail.

Having considered the matter, without making any comment on the actual merits of the case at this state, since the other FIR which has also been forwarded to the Reader of this court by learned counsel for the petitioner, i.e. FIR no.258 (as the hearing is being done by video conferencing), definitely does seem to be almost identical in language to the FIR in question, and the quantity of the contraband alleged to have been recovered from the person who has apprehended in this case is not denied to be well below the commercial quantity, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned, but with strict conditions to be imposed by that court with regard to the movements of the petitioner, while on bail.

June 19, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes