

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

207

**CRM-M-23210-2020
Decided on : 30.09.2020**

Rohit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Gourav Jain, Advocate, for the petitioner.

Mr.Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C., in FIR No.206 dated 15.05.2020 under Section 51(b) of the Disaster Management Act, 2005, under Sections 188, 269 IPC and under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Tohana District Fatehabad.

Counsel for the petitioner submits that recovery from the petitioner is of 27.85 grams of Heroin which he is stated to have been carrying when accosted by the police party. It is accordingly submitted that keeping in view the fact that recovery is nominal and he has been in custody for 4 months 13 days, as per the custody certificate dated 29.09.2020, he is liable to be released on bail.

State Counsel has opposed the release on regular bail on the ground that the petitioner is a habitual offender and it has been recorded by the Addl.District Judge that there are as many as 11 cases pending/disposed of, against him.

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Counsel for the petitioner has, thus, argued that petitioner has been acquitted in as many as 6 cases out of table of 10 cases which he has reproduced in the present bail application. It is further submitted that the petitioner has been sentenced in only one case in FIR No.392 whereas in 3 other cases, trial is still pending. It is further pointed out from the custody certificate also that in FIR No.635 also, lodged under the NDPS Act, which has not been mentioned in the table, petitioner stands acquitted on 19.09.2015. It is, thus, submitted that the petitioner has been falsely implicated in the present case.

Keeping in view the amount of contraband recovered, this Court is of the opinion that the petitioner is entitled for release on regular bail. Ordered accordingly. Petitioner be released on regular bail, to the satisfaction of Duty/Ilaqa Magistrate, Fatehabad.

**(G.S. SANDHAWALIA)
JUDGE**

SEPTEMBER 30, 2020
sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No