

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

209

(1)

CRM-M-29243-2020

Hardeep

... Petitioner

Versus

State of Haryana

... Respondent

(2)

CRM-M-31379-2020 (O&M)

Charanjeet @ Charanjit @ Charna

... Petitioner

Versus

State of Haryana

... Respondent

Decided on : 04.11.2020

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

Present: Mr.K.S.Godara, Advocate, for the petitioner in CRM-M-29243-2020.

Mr.Aditya Sanghi, Advocate, for the petitioner in CRM-M-31379-2020.

Mr.Anant Kataria, DAG, Haryana.

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

G.S. Sandhawalia, J. (Oral)

Present petitions, filed under Section 439 Cr.P.C., seeks grant of regular bail to the petitioners in FIR No.191 dated 22.08.2019 under Sections 22-C of NDPS Act, 1985 registered at Police Station Kalanwali, District Sirsa.

Mr.Godara, appearing for Hardeep, has submitted that the petitioner is in custody for over one year 2 months and the challan was presented on 27.05.2020 and therefore, he should be granted the benefit of regular bail.

Mr.Sanghi, appearing for Charanjeet Singh, submits that the petitioner was not arrested at the spot and was only nominated on the basis of the statement of co-accused, Hardeep Singh. It is submitted that in such circumstances, petitioner has also been in detention for the last 9 months and therefore, the benefit of regular bail should be granted. He further submits that the petitioner has been falsely implicated on account of the fact that he had earlier been granted anticipatory bail in FIR No.71 dated 06.04.2019 and the local police has falsely implicated him time and again. Reference is also made to the police remand taken on 03.02.2020 despite the benefit of anticipatory bail

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granted. It is also submitted that as per the custody certificate dated 02.11.2020, petitioner was acquitted in all cases except in two cases.

State Counsel has opposed the bail application on the ground that 5000 tablets (4.375 kgs.) have been recovered. It is further submitted that car No.HR-51N-0938 of Ford Icon green colour was registered in the name of the petitioner-Charanjeet Singh from which recovery was made. It is further submitted that cash recovery of Rs.5,10,000/- was made from the car apart from jewellery of 19.94 grams in the form of ornaments and therefore, the petitioners are drug runners of the area and the bail applications were opposed, as such.

A perusal of the FIR would go on to show that secret information was received by the police party and the name of both the petitioners specifically finds mention that they are doing the business of selling intoxicants/drugs in the said area. The car when seen coming from the kacha passage towards the main road, had been stopped and effort had been made to reverse it and Hardeep Singh had been apprehended at the spot wherein the recovery had effected.

Thus, the question of granting regular bail on account of heavy recovery does not arise as the petitioner-Hardeep was caught at the spot on the basis of secret information. The bail has, thus, been rightly rejected by the Sessions Court, at that point of time when the investigation was not complete and there were 4 other criminal cases pending against the petitioner. Though investigation is now complete but keeping in view the recovery effected, this Court is of the opinion that it is not a fit case for grant of regular bail as prima facie no occasion would be there for the police party to foist such a huge recovery with such a heavy cash/jewellery element.

In the case of Charanjeet Singh also, it can be noticed that his name specifically find mention in the secret information which was received and the details of the Ford Icon car bearing registration No.HR-51N-0938 is also in the name of Hardeep Singh. The FSL report has also been received whereby the said substance has been detected in the contraband which was seized and the average weight of each tablet is 0.87 grams.

In such circumstances, this Court is of the opinion that prima facie the petitioner is not entitled for the benefit of regular bail on account of the fact

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that he has not explained that under what circumstance his vehicle was being used by the co-accused. Though the petitioner might have been acquitted in other cases and has also been granted the benefit of regular bail in FIR No.71 dated 06.04.2019 on account of the fact that there was a disclosure statement against him and the same view prevailed in FIR No.253. However, in view of the vehicle of the petitioner being involved and the fact that his name figured in the secret information, this Court is of the opinion that no case is made out for grant of regular bail to the petitioner.

In view of the above discussion, the present petitions stands dismissed.

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

NOVEMBER 4, 2020
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No