

222

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-28621-2020
Date of Decision: 13.10.2020

SANDEEP

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

Present: Mr. D.S. Virk, Advocate for petitioner.
Mr. P.P. Chahar, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

This is 3rd petition under Section 439 of Cr.P.C. for grant of bail pending trial to petitioner in case FIR No.272, dated 07.08.2018 under Section 22/61 of N.D.P.S. Act, 1985, registered at P.S. Rania, District Sirsa.

Brief facts of the case are that on 07.08.2018, ASI Taresm Singh along with other police officials while on patrolling duty on Government vehicle No. HR-24X-4305, reached near village Bachar, then in the meanwhile, one car was seen coming on the road. On suspicion, police party signalled the car to stop, but they tried to turn back the car and in that process the car stopped and police party tried to apprehend them. Due to darkness four persons managed to flee away from the spot, but the one who was sitting on the back seat was apprehended. On inquiry, he disclosed his name as Pritam son of Rishpal, resident of Kaluana. On search, one plastic bag (katta) was recovered from the *diggi* of the car, wherefrom 2900 capsules and tablets of Tramadol Parvoin-Spas Ridley and Tramadol Trio-SR were recovered in boxes. On inquiry, accused disclosed the names of fled-away persons as Manish, who was driving the car, Sandeep (**petitioner**), Surjit Singh son of Mohinder Singh and

Sonu son of Om Parkash and admitted his involvement alongwith them in the present case. During investigation, Pritam disclosed that said contraband was brought by Manish son of Raja Ram.

Contentends that main accused namely Pritam Singh, from whom the recovery of 2900 capsules, tablets containing Tramadol Parvoin-Spas Ridley and Tramadol Trio-SR was effected, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 30.01.2020 passed in CRM-M-50774-2019. Further contends that neither petitioner was apprehended at the spot; nor any contraband was recovered from him and he is not facing any other criminal case.

The above factual position is duly acknowledged by the learned State Counsel on instructions from ASI Jagdish Rai .

The main accused, from whom the alleged contraband was recovered, has already been granted the concession of bail pending trial by a Co-ordinate Bench vide order dated 30.01.2020 passed in CRM-M-50774-2019; concededly no recovery was effected from the petitioner and he is not facing any other criminal case under the provisions of NDPS Act; still further petitioner was granted interim bail vide order dated 09.01.2019 (P-2) and he never misused the concession at any point of time. Thus, in view of the facts and circumstances of the present case, this Court is satisfied that petitioner is fulfilling the twin test in terms of Section 37(1) (b) (ii) of the NDPS Act for granting bail pending trial.

In view of above, the petition stands allowed.

Let petitioner be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the learned CJM/Trial

Court/Duty Magistrate concerned.

It is clarified that in case, there is recurrence by petitioner, the prosecution would be at liberty to move an application for recalling of this order.

The observations made above may not be construed as an expression of opinion on merits of the case in any manner; rather confined for the purpose of deciding the present petition only.

13 October, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

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