

Rajesh Jain @ Munna

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. Aditya Sanghi, Advocate
for the petitioner

Mr. Rajiv Goel, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 160 dated 19.05.2019 registered under Section 21 of the NDPS Act, 1985 at Police Station Rania, District Sirsa.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than one year. The trial is not likely to be concluded at an early date as no PW has been examined till date. Similarly situated co-accused Pardeep Kuamr @ Deepa has been granted regular bail by this Court vide order dated 20.07.2020 passed in CRM-M-17174-2020 and, thus the petitioner also deserves to be granted regular bail.

Custody certificate dated 31.07.2020 of Deputy Superintendent, District Prison, Sirsa has been placed on record. According to this custody certificate, the petitioner has undergone actual custody of 1 year, 2 months and 9 days. There are seven other cases under the NDPS Act, 1985 pending against the petitioner.

Learned State counsel opposes the prayer for bail on the ground that in

Learned counsel for the petitioner, in turn argues that the petitioner has been granted bail in all the other pending cases and that the recovery allegedly effected in the said cases was non-commercial.

Apparently the petitioner has been in custody for 1 year, 2 months and 9 days and the trial is not likely to be concluded at an early date. There are other pending cases under the NDPS Act, 1985 against the petitioner but he has been granted bail in all those cases. The bail orders have been placed on record and perusal thereof shows that the recovery allegedly made in the said cases was of non-commercial quantity. Co-accused Pardeep Kumar @ Deepa has been granted regular bail by this Court vide order dated 20.07.2020 passed in CRM-M-17174-2020. Further, the recovery in the present case was effected from the dash board of the car and, thus, whether recovery was effected from the petitioner or not can not be opined on without detailed consideration of the matter.

In view of the aforementioned reasons, I deem it appropriate to grant bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

July 31, 2020
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No