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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.37665 of 2020 (O&M)
Decided on: 19.11.2020

Rinku Kumar and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Virk, Advocate
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.232 dated 14.07.2020, for offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sirsa Sadar, District Sirsa.

Counsel for the petitioners has submitted that he do not press the arguments raised in Para 6 of the petition regarding the Notification issued on 29.12.1986.

Counsel for the petitioners has submitted that as per the allegations in the FIR, the police party got a secret information that the petitioner Rahim, Sandeep and Surinder Singh, are coming on a motorcycle bearing registration No.HR-22-Q-6696 and are piloting two other accused namely Rinku Kumar and Ram Lakhan, who are carrying Ganja Patti in another motorcycle bearing registration No.HR-2020-

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TEMP-9996. The police party way-laid them and the driver of the motorcycle bearing registration No.HR-2020-TEMP-9996 told his name as Rinku Kumar and the pillion rider of the same, told his name as Ram Lakhan. The driver of the other vehicle i.e. the motorcycle bearing registration No.HR-22-Q-6696, told his name as Sandeep and the person on the pillion rider seat of the same, told his name as Surinder Singh. The petitioner – Rahim allegedly jumped from the motorcycle and got himself injured and was admitted in hospital. Counsel for the petitioner has further submitted that after the arrest of the petitioners, the police recorded the disclosure statement of Rinku Kumar and Ram Lakhan and on their disclosure statements, one Arun was nominated as an accused, who has already been granted the concession of anticipatory bail vide order dated 10.09.2020 passed by this Court in CRM-M No.21661 of 2020. It is further argued that the investigation is complete and the recovery of 17 Kgs of Ganja from the co-accused Rinku Kumar and Ram Lakhan, falls under non-commercial quantity.

Counsel for the petitioners has also submitted that the petitioners are the first offenders and they are in custody since 14.07.2020 and it will take long time in conclusion of the trial.

Counsel for the petitioners has relied upon the order dated 03.11.2020 passed in CRM-M No.33621 of 2020 vide which 02 other co-accused namely Sandeep and Rahim, who were not arrested at the spot, were granted the concession of regular bail. It is also argued that the other accused namely Arun, who was nominated in the case on the basis of the disclosure statement of co-accused has also been granted

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the concession of anticipatory bail vide order dated 10.09.2020 passed in CRM-M No.21661 of 2020.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is also not disputed that the recovery falls under the non-commercial quantity.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner, have already been granted the concession of regular/anticipatory bail; the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

19.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No