

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

CRM-M-38440 of 2020.

Decided on:- December 14, 2020.

Paramjeet Singh @ Pamma.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.144 dated 10.07.2020 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) (Section 29 of the NDPS Act added later on) registered at Police Station Cheeka, District Kaithal.

Learned counsel for the petitioner has submitted that the petitioner was arrested in this case on 20.09.2020 on the basis of disclosure statement made by co-accused Jasbir Singh from whom 1 Kg. 20 grams of opium was recovered. The co-accused Jasbir Singh has already been admitted

on bail vide order dated 18.09.2020 passed by the trial Court. Except the present case, the petitioner is already on bail in other cases.

Learned State counsel has submitted that there is one more case against the petitioner under the NDPS Act i.e. FIR No.124 dated 03.02.2018 under Sections 18 and 25 of the NDPS Act registered at Police Station Sadar Karnal, though in that case, he is on bail. Further, in pursuance of the disclosure statement made by the co-accused, house of the petitioner was raided and he was found present in his house. During the raid conducted by the police, the petitioner and his family members attacked the police party and the petitioner fled away from the spot. Thereafter, FIR No.465 dated 11.07.2020 under Sections 148, 149, 186, 332, 353 and 506 IPC was registered against the petitioner and his family members at Police Station Sadar Karnal.

I have heard learned counsel for the parties.

The petitioner is in custody since 20.09.2020 and he has been named in the case on the basis of disclosure statement made by co-accused Jasbir Singh, who has already been granted regular bail vide order dated 18.09.2020 passed by the trial Court. There is a recovery of 1 kg. 20 grams of opium in the case, which is non-commercial. The trial is not likely to be concluded in near future. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail in the present case.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 14, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No