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

CRM-M No.622 of 2021(O&M)

Date of Decision: 12.01.2021

Bhagwant Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sukesh K. Jindal, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt in case bearing FIR No.64 dated 19.09.2020 registered under section 18 of the NDPS Act at Police Station City Pehowa, District Kurukshetra (Sections 27-A, 28, 29, 30 of the NDPS Act added later on).

CRM-M No.35973 of 2020 was ordered to be dismissed as withdrawn with liberty to the petitioner to approach the trial Court. In the event of filing of fresh bail application before the trial Court, the same was to be decided in accordance with law

without being influenced by any statement made before the Court.

Thereafter, the petitioner filed the petition for grant of regular bail before the trial Court and the same has been dismissed.

The case was registered on the basis of secret information that opium wrapped in a polythene was lying behind the LED in shop No.15, Old Anaj Mandi, Pehowa. The raid was conducted at the shop of co-accused Sanjay Kumar and 230 grams of opium was recovered. During investigation, Sanjay Kumar, Ishwar Singh and Ram Sharan were joined along with the petitioner. During investigation, the petitioner made a disclosure statement that he conspired with one Balwant Singh Multani to implicate Sanjay Kumar falsely and he had fetched 230 grams of opium from his nephew Virender Singh and got the same planted in the shop of Sanjay Kumar. The allegation against the petitioner is that of financing illicit traffic of contraband and harbouring offenders.

Learned counsel for the petitioner submitted that 230 grams of opium is intermediate category and the same cannot be termed to be a commercial quantity for application of Section 37(1)(b) of the NDPS Act. No recovery has been effected from the petitioner except the disclosure statement.

Per contra, learned State counsel opposed the bail on the ground that the petitioner has played an active role as he had supplied the contraband to co-accused Virender Singh. Petitioner is a conspirator.

Recovery is of 230 grams of Opium which is intermediate category. Co-accused Balwinder Singh @ Billa against whom allegations are under Section 29 of the NDPS Act has already been released on regular bail by the Additional Sessions Judge, Kurukshetra vide order dated 10.12.2020. Petitioner is in custody since 23.09.2020. Challan has already been presented, but charges have not been framed so far.

Keeping in view the aforesaid position, the situation arising out of pandemic COVID-19 and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

12.01.2021

*Prince***(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No