

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3169 of 2021 (O&M)

Date of decision : 23.4.2021

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Raj Kumar @ Raju

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for grant of regular bail, has been filed by petitioner – Raj Kumar @ Raju, aged about 32 years, son of Ram Kishan, r/o Dhani Shergarh (Jakhan Dadi) Tehsil Ratia, District Fatehabad, an accused in FIR No.254 dated 20.10.2020 for the offences under Section 15 of NDPS Act, registered with Police Station City Ratia, District Fatehabad.

Briefly stated, the facts of the case as per the prosecution story are that on 20.10.2020, a Police Party headed by SI Kuldeep Singh, while being present at Tohana Road T-Point, Bye Pass, within jurisdiction of Police Station City Ratia, District Fatehabad, in connection with checking, had apprehended petitioner, coming from

the side of Tohana on a motorcycle bearing registration No. HR-59-C-8937, make Bajaj CT 100, carrying a white coloured plastic bag (katta) on the fuel tank, which on being searched as per rules, was found to contain 12 kgs of poppy straw. Formal FIR in the case was recorded. The accused was arrested in this case. Recovered contraband was seized. On completion of investigation, the accused was challaned.

The accused-petitioner had filed an application for regular bail before the Court of Sessions at Fatehabad. His such application which was assigned to Additional Sessions Judge, Fatehabad, was however, dismissed vide order dated 21.12.2020, as such the petitioner has knocked at the door of this Court craving for grant of similar relief.

Notice of the petition was given to the State.

I have heard learned counsel for the parties besides going through the record.

The petitioner is behind the bars since 20.10.2020, i.e., for a period of more than six months. Though trial against him is going on but its conclusion is likely to take some time. The recovered contraband in this case does not amount to commercial quantity, as such the Bar of Section 37 of the NDPS Act does not come into the play. Though the petitioner is stated to have been convicted in two other cases under Section 13 of the Public Gambling Act, but those offences are not of much grave and serious type and in view of totality of the circumstances, I find that the petitioner deserves to be

granted the concession of regular bail.

Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Fatehabad, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not indulge in any criminal activity;
- (iii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

23.4.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No