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

**CRM-M No.2629 of 2021(O&M)
Date of Decision: 27.01.2021**

Virender 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 case bearing FIR No.64 dated 19.09.2020 registered under Section 18 of the NDPS Act at Police Station City Pehowa, District Kurukshetra (Section 27-A, 28, 29, 30 of the NDPS Act added later on).

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. On that premise, raid was conducted at the shop of co-accused Sanjay Kumar and 230 grams of opium was recovered. During

investigation, said Sanjay Kumar, Ishwar Singh, Ram Sharan and Bhagwant Singh were joined in the investigation. Bhagwant Singh made a disclosure statement that he conspired with one Balwant Singh Multani to implicate Sanjay Kumar in a false case and he had fetched 230 grams of opium and got the same planted in the shop of Sanjay Kumar.

Learned counsel for the petitioner submitted that the allegation against the petitioner is that he had fetched the contraband and facilitated plantation of the same in shop No.15. The recovery is of 230 grams of opium which is intermediate category. The allegation against Balwinder Singh @ Billa is under Section 29 of the NDPS Act and he has been released on regular bail by the Additional Sessions Judge, Kurukshetra vide order dated 10.12.2020. Co-accused Bhagwant Singh has been granted regular bail by this Court vide order dated 12.01.2021 passed in CRM-M No.622 of 2021. Learned counsel further submitted that the petitioner is in custody since 22.09.2020. Challan has been presented. There is no other criminal case against the petitioner.

Per contra, learned State counsel opposed the bail on the ground that the petitioner is involved in the conspiracy and also provided the contraband to be planted in the shop of the complainant. Charges have not been framed so far.

Recovery is of 230 grams of opium which is intermediate category and the same cannot be termed to be a commercial quantity for the application of Section 37(1)(b) of the NDPS Act. Co-accused Balwant Singh has been granted interim anticipatory bail as his arrested has been stayed. Co-accused Bhagwant Singh has already been granted regular bail. The complicity of the petitioner would be dependent upon the evidence to be led by the prosecution.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released 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.

(RAJ MOHAN SINGH)
JUDGE

January 27, 2021
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No