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

CRM-M-5325-2021

Date of decision : 05.03.2021

Kishan Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Lalit Kumar, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.553 dated 18.08.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act has been added later on) at Police Station Shivaji Colony, Rohtak.

FIR was registered on the basis of secret information involving Kishan Gupta, Sanjeev Kumar, Sanjay and Nihali @ Nihal Kaur in the business of smack. On receiving the secret

information, the Police party reached near Outer By-Pass Rohtak where a Creta Car was found parked in which three persons and a lady were seeing sitting. They were apprehended by the Police Party. On asking, they disclosed their aforesaid names. From the personal search of the petitioner, an amount of Rs.50,000/-and 100 grams of smack were recovered from him. Similar, recoveries were effected from accused Sanjeev. From accused Sanjay and Nihal Kaur, 600 grams of smack each was recovered.

The aforesaid factual details are not in dispute as stated by learned State Counsel on instructions from ASI Amit Kumar.

Learned counsel for the petitioner, by relying upon CRM-M-13488-2020 titled Varinder Singh Garcha Vs. State of Punjab, decided on 18.06.2020 and CRM-M-13600-2020 titled Varinder Singh @ Nannu Vs. State of Punjab, decided on 17.06.2020, submits that since non-commercial quantity of the contraband has been recovered from personal search of the petitioner, therefore, he is entitled for regular bail particularly in view of the fact that he is in custody since 18.08.2020.

Challan stands presented. Charges have not been framed. The trial of the case may take sometime in its culmination.

Learned State Counsel, however, opposed the bail on the ground that in fact, the petitioner and co-accused Sanjeev are the suppliers of smack. On the date of occurrence also, they supplied the smack to Nihal Kaur and Sanjay. The recoveries have been effected from those co-accused also.

Learned State Counsel further submits that the petitioner belongs to Pilibhit (Uttar Pradesh) and he may flee from justice in case of grant of bail.

Keeping in view the aforesaid facts and circumstances, at this stage, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing heavy 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.

05.03.2021

Pawan

**(RAJ MOHAN SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**