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

**CRM-M No.5918 of 2021(O&M)
Date of Decision:15.02.2021**

Sukhwinder Singh @ Gora

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present:Ms. S.S. Brar, 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.0059 dated 12.03.2020 registered under Section 21 of the NDPS Act at Police Station Kalanwali, District Sirsa.

It is a case of chance recovery from co-accused Makhan Singh. Makhan Singh was apprehended. 40.50 grams of heroin was recovered from his right pocket of white payjama. One transparent pouch containing 40.50 grams of heroin was recovered.

Though the pouch is transparent, but it was in the opaque pocket not publicly visible. Petitioner has been nominated on the basis of disclosure statement of aforesaid Makhan Singh from whom medium quantity/non-commercial quantity of heroin was recovered. Petitioner was also involved in FIR No.61 dated 12.03.2020. Accused therein i.e. Harpreet @ Happy, Bira Singh @ Gosha and Avtar Singh @ Tota were found in possession of 15.1 grams of heroin allegedly purchased from the petitioner. Petitioner is on bail in the said FIR.

Learned State counsel submits that though the petitioner has been nominated on the basis of disclosure statement of Makhan Singh, but he has past history of involvement in NDPS cases including one conviction.

Since the petitioner has been nominated on the basis of disclosure statement of Makhan Singh, the alleged recovery is medium quantity/non-commercial quantity and the petitioner is in custody since 01.09.2020, therefore, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case.

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.

15.02.2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No