

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

Sr. No. 226(1)

CRM-M No. 11496 of 2021

Date of decision : 24.08.2021

Sukhbir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Raj Kumar, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 308 dated 27.09.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25/54/59 of the Arms Act at Police Station Kasola, Rewari district Rewari.

Briefly stated, the case of the prosecution is that the police received secret information that the petitioner and co-accused Rajpal were involved in the selling of smack and presently they were near the Govt. school of the village; acting on the secret information the police party reached at the disclosed place where they saw two persons on a motorcycle; on seeing the police, the said persons tried to flee from the spot but they were apprehended and on enquiry the driver of the motorcycle was found to be the

petitioner and the pillion rider disclosed his name as Rajpal; personal search of the petitioner resulted in the recovery of one countrymade pistol loaded with a cartridge; one live cartridge was also found; personal search of co-accused Rajpal resulted into recovery of 9 gram 70 milligram of heroin and a countrymade pistol with two live cartridges.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 27.09.2020; no narcotics were recovered from the person of the petitioner; investigation of the case is complete and that since 9 prosecution witnesses still remain to be examined the petitioner's trial is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has already been convicted in another criminal case under Sections 395/397 IPC and Arms Act and that if he is released on bail he is likely to commit other offences.

Whether recovery of 9.70 grams of smack from the co-accused would be considered to be recovery from the petitioner would be debated during the course of the petitioner's trial. However, the petitioner is in custody since 27.09.2020; investigation in the case is complete and that since 9 prosecution witnesses still remain to be examined the petitioner's trial may take long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rewari the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only

for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

24.08.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No