

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-16425 of 2021
Date of Decision: 23.04.2021

Amrik Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.14, dated 20.01.2021, having been registered at Police Station Rajound, District Kaithal, alleging therein the commission of offences punishable under Sections 21-B and 29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been named as an accused on a disclosure statement allegedly made by the person from whom 47 grams of smack are alleged to have been recovered (as per the case of the investigating agency), upon secret information having been received that he would be coming at a particular point carrying the contraband with him.

Learned counsel further submits that as a matter of fact the petitioner has been implicated in the present case only because of his past criminal

antecedents, whereas the person from whom the non-commercial quantity of smack was recovered, was admitted to bail by the learned trial court itself vide an order dated 31.03.2021, but the petition of the present petitioner was rejected on the next day, .i.e. on 01.04.2021, on the ground that he was a habitual offender.

He reiterates that the petitioner has only been falsely implicated on an alleged disclosure statement made in police custody, which is not admissible in evidence.

Keeping in view the above, but without making any comment on the actual merits of the case, no recovery actually having made from the petitioner and his name having been allegedly disclosed by a person in custody after non-commercial quantity was recovered from him, the petition is allowed and the petitioner is ordered to be admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned.

April 23, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No