

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

CRM-M-20385-2021

DECIDED ON: 31st August, 2021

Raj Kumar @ Bogal @ Radhey

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. R.S. Mamli, Advocate for petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.0355 dated 12.10.2019, under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27-A of NDPS Act, 1985 added lateron), registered at Police Station Bhuna, District Fatehabad.

The brief facts are that on 12.10.2019, during routine checking, a motor cycle bearing registration No. HR-22-Q-4238 driven by Ajit Kumar @ Jeeta was checked. From his conscious possession, 6.70 grams of Heroin, was recovered. During investigation Ajit Kumar disclosed that he had purchased the contraband from Raj Kumar (petitioner). Resultantly, the petitioner was nominated.

Learned counsel for the petitioner submits that the petitioner is in custody since 12.6.2020. No recovery was made from him. Recovery from Ajit Kumar was of non-commercial quantity. Investigation is complete.

Learned State counsel opposes the prayer for bail and submits that the petitioner is involved in five more cases. She relies upon the pleadings of the reply filed.

As per the reply filed, out of five cases, in four cases the petitioner is on regular bail. Name of the petitioner surfaced in disclosure statement. Investigation is complete. Challan stands presented. Recovery from the main accused was of 6.70 grams Heroin. Conclusion of trial is likely to take time. Bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

31st August, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>