

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21706-2021
Date of Decision: 28.06.2021

Bhola Singh

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagjit Singh Gill, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No. 44 dated 19.03.2021, under Section 18 of NDPS Act, 1985, registered at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and the police has planted this case upon the petitioner. He submitted that the alleged recovery is of 10 Kilograms and 700 Grams of poppy husk which is otherwise also of a non-commercial quantity. He submitted that due to enmity and rivalry the petitioner has been falsely implicated in the present case. He further submitted that the petitioner is not involved in any other case and it is not

the case that the petitioner is a habitual offender. He has submitted that the investigation of the case is already complete and the challan has already been presented. He further submitted that the petitioner is in custody from 19.03.2021.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 19.03.2021 and it is also correct that the investigation of the case is already completed and the challan has been presented. He further submitted that it is also correct that there is no other case against the petitioner and the alleged recovery is of a non-commercial nature and, therefore, it is not hit by Section 37 of the NDPS Act. However, he has opposed the grant of bail on the ground that the matter involved of poppy husk.

I have heard the learned counsel for the parties.

The custody of the petitioner is not in dispute. It is also not in dispute that the alleged recovery was of non-commercial nature and it is also not disputed that the petitioner is not involved in any other case. The investigation of the case is already complete and the trial of the case may take long time. The present case is not hit by the provision of Section 37 of the NDPS Act.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

28.06.2021

rakesh

JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No