

CRM-M-21106-2021

Date of Decision:01.07.2021

Harvinder Singh Virk

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

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

Mr. Zorawar Singh Chauhan, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.69, dated 13.03.2021, having been registered at Police Station Cheeka, District Kaithal, alleging therein the commission of offences punishable under the provisions of Section 27-A of the Narcotics and Psychotropic Substances Act, 1985 (with Section 29 thereof added later).

Learned counsel for the petitioner submits that non-commercial quantity of opium is alleged to have been recovered from the petitioner as per the FIR, with another similar case registered against him, again *qua* non-commercial quantity, on the next date itself, i.e. on 14.03.2021, on an alleged disclosure statement made by him in police custody.

He further submits that the petitioner has now been in custody for more than 3 ½ months and other than these two cases there is no other criminal case registered against him.

He further submits that the co-accused of the petitioner was admitted to bail by the learned Addl.Sessions Judge, Kaithal, 1 ½ months

earlier, i.e. on 19.05.2021 and therefore the petitioner also deserves to be admitted to bail.

Learned State counsel however submits that the report under Section 173 Cr.P.C. not having been submitted to court as yet and the petitioner being the driver of the vehicle from which the recovery was made, he does not deserve to be admitted to bail.

However, he could not of course deny that the quantity of contraband stated to have been recovered as per the FIR, is non-commercial quantity.

In view of the aforesaid circumstances, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

July 01, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO