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

**CRM-M No.18668 of 2020
Date of Decision:13.07.2021**

SANJAY KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. G.S.Kaura, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.59 dated 13.03.2020, registered under Section 15(C) of Narcotic Drugs and Psychotropic Substance Act 1985 (Section 27-A of Narcotic Drugs and Psychotropic Substance Act 1985 added later on), at Police Station Uklana, District Hisar.

Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure

statement of co-accused Hawa Singh @ Kalia with the allegations that co-accused Hawa Singh had purchased 65 kg of poppy straw from the petitioner at the rate of Rs.1750/- per kg. No recovery has been effected from the petitioner.

Learned State counsel however, opposed the bail on the ground of antecedent behaviour of the petitioner. In earlier cases where he was accused in FIR No.166 and 46 under the NDPS Act.

Learned counsel for the petitioner refutes the aforesaid allegation and states that petitioner was falsely implicated in FIR No.166 dated 14.06.2012 under Section 15, 21A, 61, 85 of NDPS Act, registered at Police Station City Tohana and FIR No.46 dated 07.03.2017, under Sections 15/61/85 of the NDPS Act, registered at Police Station Uklana and in both the cases he has been acquitted.

Learned State counsel further, submits that in addition to the aforesaid two cases, petitioner is also an accused in other two cases.

Learned counsel for the petitioner submits that the petitioner is on anticipatory bail in those two cases. Vide order dated 20.08.2020, interim bail was granted to the petitioner and the petitioner has not misused the concession of interim bail so

far. Charges have been framed but the prosecution evidence has not been started so far.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

13.07.2021*Amandeep*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No