

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

Sr. No. 226(2)

CRM-M No. 23424 of 2021

Date of decision : 24.08.2021

Rajpal alias Tinku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Jay Parkash Jangu, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 308 dated 27.09.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) and Section 25/54/59 of the Arms Act at Police Station Kasola, Rewari district Rewari.

Briefly stated, the case of the prosecution is that the police received secret information that the petitioner and co-accused Sukhbir were involved in the selling of smack and presently they were near the Govt. school of the village; acting on the secret information the police party reached at the disclosed place where they saw two persons on a motorcycle; on seeing the police, the said persons tried to flee from the spot but they were apprehended and on enquiry the pillion rider of the motorcycle was found to

be the petitioner and the driver disclosed his name as Sukhbir; personal search of the petitioner resulted into recovery of 9 gram 70 milligram of heroin and a countrymade pistol with two live cartridges; personal search of co-accused Sukhbir resulted into the recovery of one countrymade pistol loaded with a cartridge and one live cartridge.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 27.09.2020; the alleged recovery from the petitioner is 9.70 grams of heroin which is classified as “non commercial” quantity under the NDPS Act; investigation of the case is complete and that since 9 prosecution witnesses still remain to be examined the petitioner's trial is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has already been convicted in another criminal case under Sections 395/397 IPC and Arms Act and that if he is released on bail he is likely to commit other offences.

The alleged recovery from the petitioner is of 9.70 grams of heroin which is classified as “non commercial” under the NDPS Act; he petitioner is in custody since 27.09.2020; investigation in the case is complete and that since 9 prosecution witnesses still remain to be examined the petitioner's trial may take long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rewari the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only

for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

24.08.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No