

CRM-M-26752-2021

Date of Decision: 16.07.2021

Kishangiri

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Arvind Bansal, Advocate,
for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 245, dated 28.04.2021, registered at Police Station Shahabad, District Kurukshetra, for the alleged commission of offences punishable under the provisions of Sections 18/29/61/85 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has only been arraigned as an accused on an alleged disclosure statement made by the person who, as per the FIR, was apprehended carrying 1 kg of opium (Parvinder Singh alias Pinder).

He further submits that the said Parvinder Singh has already been admitted to bail by the learned Additional Sessions Judge, Kurukshetra, on 06.07.2021, whereas a similar petition of the petitioner came up before the same court earlier and was dismissed on 16.06.2021, essentially on the ground that there were two other criminal cases registered against him.

Learned State counsel of course reiterates that there being two other criminal cases registered against the petitioner, of like nature, his case would be different to Parvinder Singh @ Pinder and consequently, he does not deserve to be admitted to bail.

Countering the aforesaid contention, learned counsel for the petitioner points to paragraph 18 of the petition wherein he has specifically stated that as regards FIR no. 299 dated 29.11.2011, alleging therein the commission of offences punishable under the provisions of Sections 15/18/61/85 of the NDPS Act, the petitioner has already been acquitted on 13.06.2014; and as regards FIR No. 87 of 2010, he has been admitted to bail by the learned Special Court, Chhitorgarh (Rajasthan), with evidence still being taken in that case.

Having considered the matter, looking at the fact that, firstly, the petitioner was not named in the FIR and allegedly was named on a disclosure statement made in police custody and further, even the quantity of opium stated to have been recovered from his co-accused (as per the case of the prosecution), is well below commercial quantity of 2.5 kgs, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

July 16, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.