

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27978-2021

Date of decision: 23.08.2021

Rajender Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: - HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Robin Lohan, Advocate, for the petitioner.

Mr. Deepak Manchanda, Addl. AG, Haryana.

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 FIR No.137 dated 19.05.2021, under Sections 188/269 of IPC, Section 51-B of D.M. Act and Section 15 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner has submitted that in the present case there has been an alleged recovery of 2 kgs of poppy husk from the petitioner. He submitted that the petitioner has been falsely implicated in the present case in view of the fact that earlier he was falsely involved in some other cases and that was the reason as to why the present case was planted upon the petitioner. He submitted that even otherwise also the investigation of the case is already complete and no recovery is to be made from the petitioner and the challan has already been presented before the competent Court. He submitted that the petitioner is in custody since 19.05.2021 and the trial of the

case would take long time and the alleged recovered quantity is small quantity.

On the other hand, learned State counsel has stated that although the recovery was of 2 kgs of poppy husk which is a very less quantity but since the petitioner is involved in 5 other cases including one under the NDPS Act, he has opposed the grant of bail.

I have heard the learned counsel for the parties.

The custody of the petitioner is of almost 3 months and the investigation of the case is already complete and recovery is to be made from the petitioner. Mere pendency of the other cases would not become a bar for grant of bail to the petitioner especially in view of the fact that out of the 5 cases, the petitioner is involved in one case under the NDPS Act. The alleged recovery is of a non-commercial quantity.

Therefore, considering the totality and circumstances of case, the present petition is allowed. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

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

(JASGURPREET SINGH PURI)
JUDGE

23.08.2021

rakesh

whether speaking	:	Yes/no
whether reportable	:	Yes/no