

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30605-2021 (O&M)

Date of Decision:- 10.8.2021

Dalip Singh

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Fatehjeet Singh, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SI Chandeshwar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.141, dated 14.3.2021, Police Station Sector 32/33, District Karnal, under Section 18, 25 of NDPS Act.
2. It is the case of prosecution that Satish along with petitioner-Dalip was apprehended by the police while they were travelling in a car bearing registration No.PB-08-BC-8800 and that upon search of the

car 667 grams of 'Opium' was recovered from the dashboard. While the car in question was driven by petitioner-Dalip Singh the co-accused-Satish was sitting by his side on the front passenger seat.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the instant case and that in any case the alleged recovery would fall within the category of 'non-commercial quantity' and that since challan already stands presented the petitioner deserves the concession of bail. Learned counsel has further submitted that he has been falsely implicated in a large number of cases by the police as the petitioner's wife had lodged one FIR for offence under Section 376 IPC against some police officials. It has further been submitted that in fact in one of the false cases registered against the petitioner under NDPS Act, the matter has been referred to CBI and upon investigation of the same, the allegations against the petitioner have been found to be false.
4. Learned State counsel has not disputed the factum of the recovered quantity being 'non-commercial quantity'. It has been informed that challan already stands presented and that the petitioner is in custody for the last about 5 months and is involved in 7 other cases under NDPS Act.
5. Bearing in mind the aforesaid facts and circumstances particularly that it is a case of recovery of 'non-commercial quantity' wherein challan stands presented, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to

the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

10.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No