

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.26977 of 2020

Date of Decision: August 17, 2021

Navdeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Dhull, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.204 dated 15.09.2018, under Sections 15, 27-A, 61, 85 N.D.P.S.Act, 1985, registered at Police Station, Siwani, District Bhiwani, who is in custody since his arrest on 15.09.2018.

As per the prosecution case, on 15.09.2018, on the basis of secret information, accused Pawan Kumar and Naveep were arrested when they were driving two separate cars. During the search, 12 sacks of poppy husk (containing 25 kgs poppy husk each) were recovered from one car and other 08 sacks (containing 25 kgs poppy husk each) totalling 500 kgs were recovered from another case.

Learned counsel for the petitioner has argued that the co-accused of the petitioner, namely, Gurjeet Singh has already been released on bail and the petitioner, who is behind the bars for the last approximately three years, also deserves the same concession as the trial is not making any

headway. He submits that previously the petitioner was allowed interim bail vide order dated 17.10.2019 for a period of four weeks and the said concession was never misused by him. Further, the petitioner is not involved in any other case of similar nature, therefore, he be released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Manoj Yadav, as the petitioner was driving Swift car where from the alleged contraband (200 kgs poppy husk) was recovered. He submits that from another vehicle, i.e., CRETA car driven by his co-accused (Pawan), similar kind of contraband weighing 300 kgs. was recovered. He submits that the trial has been delayed because of the petitioner himself as he moved an application in January, 2020 before the trial court for declaring him as juvenile and the same has been dismissed by the trial court and against the said order, revision petition is pending before this court.

After hearing the learned counsel for the parties, this court finds that as per prosecution, the petitioner was driving the vehicle, wherein the alleged contraband was found. The recovered quantity falls in commercial category and the release of petitioner for four weeks on interim bail was passed keeping in view the ill health of his father.

Resultantly, considering the nature and quantity of contraband, this court does not find it to be a fit case for release of petitioner on regular bail.

Dismissed.

August 17, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No