

In virtual Court

CRM-M-33021-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33021-2021 (O&M)

Date of decision: 25.10.2021

Manjeet Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.148 dated 01.10.2018 under Section 15 of NDPS Act, registered at Police Station Ding, District Sirsa.

Learned counsel for the petitioner submits that as per allegations in the FIR, ASI Bhajan Dass received a secret information that the petitioner had stored heavy quantity of poppy straw in his house and same can be recovered, if a raid is conducted. Upon this, a notice under Section 42 of NDPS Act was

prepared and same was sent to DSP. Thereafter, a raiding party was constituted. It is further stated in the FIR that when the police party reached at house of the petitioner, no one was found present there and in presence of DSP, house was searched and from fodder room, 06 plastic bags of brown colour, which were open, were recovered and on checking the same, 190 kgs of poppy husk was found. It is further submitted that at that time, the petitioner was in judicial custody in another FIR No.65 of 2019 and he was joined in the investigation by way of taking him on production warrants. It is also submitted that it will be a matter of trial, when no one was found present at the house, whether the petitioner was in conscious possession of the recovery effected.

Learned State counsel has filed the custody certificate dated 24.10.2021 in the Court today, according to which, the petitioner is in custody for the last 02 years, 06 months and 24 days and is involved in three more cases; two under NDPS Act and one under IPC. It is submitted that out of total 16 prosecution witnesses, only 03 PWs have been examined so far and the trial was delayed due to COVID-19 situation in the country.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that when the raid was conducted at house of the petitioner, no one was found present there and he was later on nominated in this case and also in view of the fact that the petitioner is in custody for the last 02 years, 06 months and 24 days and out of total 16 prosecution witnesses, only 03 PWs have been examined so far, this petition is allowed and the petitioner is directed to be released on regular bail subject to

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furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq
Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

25.10.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No