

**213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-35620-2021

Date of Decision: 30th September, 2021

Charan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Jitender K. Sehrawat, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No. 166, dated 09.08.2021, under Section 15 of Narcotic Drugs and Psychotropic Substances Act 1985, registered at Police Station Bhattu Kalan, District Fatehabad.

3. As per the case of the prosecution on 9th August, 2021, police party apprehended co-accused Surinder Singh in the area of Police Station Bhattu Kalan, 17 kg 200 gram crushed poppy straw was recovered from his car.

4. During the investigation, in his disclosure statement co-accused stated that 18 kg 200 gram poppy straw was purchased from unknown person through accused Mukesh. He further disclosed that 1 kg poppy straw was sold to Charan Singh-petitioner.

5. The petitioner was apprehended on 11th August, 2021. He in his disclosure statement admitted his involvement but no recovery was made from the petitioner.

6. Learned counsel for the petitioner submits that petitioner was named in a disclosure statement which has no evidentiary value. No recovery was made from the petitioner.

7. Learned State counsel opposes the prayer for grant of regular bail. She submits that matter is under investigation.

8. The petitioner was not apprehended from the spot. No recovery was made. His name surfaced in a disclosure statement stating to be a purchaser of 1 kg of poppy husk. The recovery from the main accused is non-commercial quantity. No useful purpose would be served to keep the petitioner behind the bars. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. The petition is allowed.

10. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

30th September, 2021

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No