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

**CRM-M No.30912 of 2020(O&M)
Date of Decision:28.07.2021**

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.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. DPS Bajwa, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner in his second attempt seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.70 dated 10.05.2020 registered under Sections 21-B, 29 of the NDPS Act at Police Station Siwan, District Kaithal.

Earlier CRM-M No.17105 of 2020 was got dismissed as withdrawn on 11.08.2020.

FIR was registered on the basis of secret information. Buta Ram and Litesh Kumar were apprehended along with 4 grams 200 mgs and 6 grams, 150 mgs of heroin respectively. Petitioner was nominated on the basis of disclosure statement of co-accused Buta Ram and Litesh Kumar. On 12.05.2020, an amount of Rs.4200/- was recovered from the petitioner as drug money.

Learned counsel for the petitioner submits that recovery of money cannot be presumed to be a tainted money and the involvement of the petitioner on the basis of disclosure statement is inadmissible. The bail has been declined to the petitioner solely on the basis of antecedent behaviour of criminal activities of the petitioner.

The State has filed the status report in respect of involvement of the petitioner in 15 cases. Out of the aforesaid 15 cases, the petitioner has been acquitted in following cases:-

1. FIR No.230 dated 13.08.1996 under Sections 61, 1, 14 of the Excise Act at Police Station Gadi, Jind.
2. FIR No.93 dated 30.04.2002 under Sections 61, 1, 14 of the Excise Act at Police Station City Narwana

3. FIR No.104 dated 21.05.2002 under Sections 61, 1, 14 of the Excise Act at Police Station City Narwana.
4. FIR No.92 dated 18.06.2003 under Sections 61, 1, 14 of the Excise Act at Police Station Gadi, Jind.
5. FIR No.95 dated 06.09.2003 under Sections 61, 1, 14 of the Excise Act at Police Station City Narwana.
6. FIR No.146 dated 17.10.2005 under Sections 61, 1, 14 of the Excise Act at Police Station City Narwana.
7. FIR No.312 dated 26.12.2013 under Sections 20/27 of the NDPS Act at Police Station City Narwana.
8. FIR No.56 dated 25.02.2014 under Sections 332, 353, 225, 186 IPC at Police Station City Narwana.
9. FIR No.30 dated 29.01.2015 under Section 20 of the NDPS Act at Police Station City Narwana.

Out of remaining six cases, the petitioner was convicted in FIR No.473 of 2011 under Sections 17/21 of the NDPS Act registered at Police Station City Rohtak on 11.01.2016. In FIR No.237 dated 07.09.2012 under Section 174-A IPC registered at Police Station City Jind, petitioner was convicted. FIR No.185 of 2016 under Section 21 of the NDPS Act, Police Station Narwana is fixed for prosecution evidence. FIR No.9 dated 04.01.2017

under Sections 147/149/160/238 IPC, Police Station City Narwana is fixed for appearance of the accused. FIR No.85 dated 24.02.2017 under Sections 160/238 IPC at Police Station City Narwana is fixed for prosecution evidence and FIR No.284 dated 13.10.2018 under Section 20 of the NDPS Act, Police Station City Narwana is fixed for prosecution evidence.

Learned counsel further submits that the petitioner is on bail in pending trial cases and pendency of the said cases is not a ground to dismiss the bail as he has been involved on the basis of disclosure statement of co-accused from whom small quantity of contraband has been recovered. Petitioner is in custody since 12.05.2020.

Learned State counsel submits that out of total 17 prosecution witnesses, only two witnesses have been examined.

The trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is

ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

28.07.2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No