

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

CRM-M No.34379 of 2020(O&M)

Date of Decision: 14.01.2021

Deendayal @ Deena Ram

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.277 dated 05.08.2020 registered under Sections 15 of the NDPS Act at police Station City Mandi Dabwali, District Sirsa.

As per prosecution case, the alleged recovery is of 5 kg 100 grams of poppy husk. Petitioner was arrested when he was carrying a plastic bag on his right shoulder and on seeing the police party, he immediately tried to turn back. He was arrested

on the basis of suspicion. The recovery is of non-commercial quantity and petitioner is in custody since 05.08.2020.

Per contra, learned State counsel opposed the bail on the ground that the petitioner is having antecedent behaviour of criminal activities as he is involved in three other similar NDPS cases.

Learned counsel for the petitioner relies upon **Criminal Appeal No.153 of 2020** titled **Prabhakar Tewari Vs. State of UP and another** decided on 24.01.2020 to contend that the involvement of the person in other cases is not a ground to dismiss the bail. Challan has been presented, but charges have not been framed so far.

Keeping in view the quantity of contraband recovered from the petitioner, stage of the trial, situation arising out of pandemic COVID-19 and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

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.

14.01.2021

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No