

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

CRM-M-34192-2020

Date of decision : 18.02.2021

Rahul @ Gurlal Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vinod Bhardwaj, Advocate, for the petitioner.

 Mr.Ashok Kumar Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.69 dated 26.05.2020, registered under Sections 15/29/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act), at Police Station Titram, district Kaithal.

Briefly stated, the case of the prosecution is that on 26.05.2020 a truck driven by Saravjeet Singh @ Sarbhi and Vipin was stopped and searched in which 876 kg. of poppy husk was recovered; interrogations of Saravjeet Singh @ Sarbhi and Vipin revealed involvement of Rakesh and Satish, who were then nominated as accused; on being arrested Rakesh disclosed that the petitioner, Lucky and Resham sons of Karnail Singh were also involved in the crime; they used to call him on his mobile phone and also transferred money from Resham's account to purchase poppy husk and on the basis of such disclosure statement the petitioner was nominated as an accused and arrested.

Seeking regular bail for the petitioner learned counsel submits that the petitioner, who is a young boy aged 19 years, has been falsely implicated; he is in custody since 10.06.2020; he is not involved in any other case under the NDPS Act; no recovery of any narcotics has been made from him; there is no evidence against him except the disclosure statement of co-accused Rakesh made by him in police

custody which has no evidentiary value; there is no call by the petitioner to any of the co-accused or any transfer of money from his account to their account; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that the petitioner's trial, in which 51 prosecution witnesses have been cited, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is involved in purchasing and selling of poppy husk and if released on bail he may indulge in similar offences.

The petitioner is a young boy aged 19 years; he is in custody for the last over eight months; there is no case under the NDPS Act in which he was/is involved; till date the only evidence against him is the disclosure statement of a co-accused made in police custody; there is no evidence with regard to transfer of any fund from the petitioner's account to the account of co-accused; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that his trial in which 51 prosecution witnesses have been cited, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kaithal, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

18.02.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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