

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

**CRM-M-42499 OF 2020
DATE OF DECISION: 28.06.2021**

Rajpal @ Kala
Versus

...Petitioner

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Sourav Mohunta, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is second foray of the petitioner before this court seeking regular bail in FIR No.127 dated 26.03.2019 registered under Sections 15, 27 of NDPS Act, at Police Station Indri, District Karnal.

2. Per FIR allegations, 2 quintals 77 kgs and 475 grams of CHURA POST (poppy husk) was recovered from the car of the petitioner at a check post. He was allegedly carrying the same without any permit or license. Consequently, the petitioner was taken in custody on 26.03.2019 and is behind bars since then.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case. He further submits that there has been violation of mandatory provisions of Section 50 of NDPS Act. Neither any independent witness nor any gazetted officer was joined by the police party.

4. Learned counsel further contends that investigation is complete and challan has been presented. Three prosecution witnesses have already been examined. The petitioner is not involved in any other case.

5. On the other hand, learned State counsel opposes the plea on the ground that quantity recovered from the petitioner is commercial in nature.

6. I have heard rival contentions of learned counsel for the parties.

7. All the prosecution witnesses are police officials. There, thus, seems no apprehension that petitioner would influence or pressurize the witnesses.

8. Admittedly, petitioner has clean antecedents as he is not involved in any other criminal case of similar nature or even otherwise.

9. Considering the over all scenario, I am of the view that no useful purpose would be served by keeping the petitioner further in preventive custody since investigation is complete and challan has been filed. The petitioner is stated to be in custody since 26.03.2019. The trial is not likely to conclude anytime soon on account of current pandemic conditions when Courts are working under restrictions.

10. In the premise, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqua Magistrate/Duty Magistrate, as the case may be.

11. It is, however, made clear that in case the petitioner is found to be involved in any other of similar nature, the prosecution shall be at liberty to seek for cancellation of the bail of the petitioner.

JUNE 28, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : **Yes/No**

Whether reportable : **Yes/No**