

In virtual Court

CRM-M-53650-2019

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

CRM-M-53650-2019 (O&M)

Date of decision: 27.08.2021

Kesse Fulbert

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Gurjeet Kaur, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0145 dated 25.08.2019 under Section 21/29/61/85 NDPS Act (Sections 420, 467 IPC and Section 12 of Passport Act were added later on), registered at Police Station Babain, District Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in

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the FIR, the police received a secret information that co-accused Piyara Singh is habitual of consuming heroin and is also selling the same. It is further stated in the FIR that on 24.08.2019, he went to Delhi to purchase the heroin and had come back to his house and if a raid is conducted, he can be apprehended. Thereafter, by following the proper procedure, 45 grams of heroin was recovered from him and on the basis of his disclosure statement, the petitioner was nominated as an accused, as the person from whom he had acquired the same. It is further stated that after arrest of the petitioner, only Rs.1300/- were recovered, however, no contraband was recovered.

Learned counsel for the petitioner further submits that the petitioner is in custody for the last about 02 years and out of total 33 prosecution witnesses, none has been examined till date.

Learned State counsel has filed the custody certificate dated 26.08.2021 in the Court today and has not disputed the factual position. It is also not disputed that the petitioner is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the facts and circumstances of the case and also in view of the fact that the petitioner is in long custody of about 02 years; he is not involved in any other case; he was nominated on the basis of disclosure statement of co-accused Piyara Singh and no contraband was recovered from him and till date, no prosecution witness has been examined, this petition is allowed and the petitioner is directed to be released on regular

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bail subject to furnishing his bail/surety bonds along with one local surety, to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

27.08.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No