

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

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CRM-M-9191-2022
Date of decision: 09.03.2022

Amarjeet Singh**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. M. S. Uppal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 178 dated 05.06.2021, registered under Section 15(C)/27A/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Neeraj Kumar, it is stated that while on patrol duty, he received a secret information that Pardeep Singh @ Thatta is indulged in bringing poppy husk from Rajasthan in a truck bearing registration number RJ-14-GJ-3077. On this, a ruqa was sent to the police station and thereafter, a barrier was laid and co-accused

Pardeep Singh @ Thatta was arrested and recovery of 740 kgs. of poppy husk was effected from the said truck.

Learned counsel for the petitioner further submits that in the disclosure of co-accused Pardeep Singh @ Thatta, four mobile phones were given and on the basis of the said mobile numbers, the petitioner has been nominated in this case, however, after his arrest, no incriminating substance was recovered from him.

Learned counsel for the petitioner further submits that the petitioner is a first offender; he is in judicial custody for the last about 09 months; *challan* has been presented and the conclusion of trial is likely to take a long time.

Learned counsel for the petitioner has relied upon the judgments rendered by Hon'ble Supreme Court in ***Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1*** and ***State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69*** to submit that it will be a matter of trial whether the disclosure of a co-accused will be admissible against the petitioner or not.

Learned State counsel has filed the custody certificate and has opposed the bail on the ground that it has come during investigation that the petitioner was in touch with the aforesaid co-accused on his mobile phone and had made four mobile calls on 04.06.2021, when the recovery was effected. Learned State counsel further submits that recovery from the co-accused is commercial quantity, however, it is not disputed that the petitioner is a first offender and no incriminating substance was recovered from the petitioner after his arrest.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a first offender; he is in judicial custody for the last about 09 months; no incriminating substance was recovered from the petitioner after his arrest; conclusion of trial is likely to take a long time and also in view of the ratio of law laid down in the aforesaid judgments relied upon by the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

09.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No