

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

**CRM-M-14590 of 2022
Date of Decision:- 06.05.2022**

Jagdish @ Kalal

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Naveen K. Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

Status report by way of an affidavit of DSP, Narnaul,
District Mahendergarh, filed and the same be taken on record.

Prayer is for grant for regular bail to the petitioner in
case having FIR No.803 dated 29.12.2021 registered under Sections
20/29 of Narcotic Drugs and Psychotropic Substances Act No.61 of
1985, Police Station City Narnaul, District Mahendergarh, Haryana
(Section 29 was added subsequently in final report).

The counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. As per the case of prosecution co-accused Ashok Kumar Yogi was apprehended and 5 kg 345 grams of Ganja was recovered from car No.RJ-02-CE-9092 in which Ashok Kumar Yogi was travelling. 3Kg .075 grams of charas was also recovered from conscious possession of aforesaid Ashok Kumar Yogi. The counsel further contended that it is the case of prosecution that aforesaid Ganja and charas was sold by the petitioner to Ashok Kumar Yogi and the petitioner was arrested on 26.02.2022 and Rs.31,000/- were recovered from him by the police. The counsel further contended that as per the police aforesaid cash is proceeds of the crime. The counsel further contended that no contraband or any other incriminating article except aforesaid cash was recovered from the possession of petitioner who is aged about 71 years. The counsel further contended that after completion of investigation challan has been presented. Co-accused Inderjit has already been granted regular bail by the court of Additional Sessions Judge, vide order dated 24.03.2022, Annexure P-8.

The bail application is contested by the State counsel, who submitted that the petitioner is facing serious charges that he used to sell Ganja and Charas to co-accused Ashok Kumar Yogi and proceeds of the crime worth Rs.31,000/- were recovered from the possession of petitioner. The State counsel further submitted that the

trial is yet to commence and as such, the petitioner who is having criminal history, is not entitled to grant of regular bail.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

As per the case of State, 5 kg .345 grams of Ganja and 3 Kg .075 grams of charas were recovered from possession of co-accused Ashok Kumar Yogi by the police on 29.12.2021. Thereafter, the present petitioner was arrested on 30.12.2021 and amount of Rs.31,000/- was recovered from him, which as per the police are proceeds of the crime. However, it is matter of evidence as to whether the aforesaid cash was earned by the petitioner by way of illegal means. Admittedly no contraband was recovered from the possession of petitioner by the police during the investigation of the case. The police has presented the challan, on the completion of investigation and presently the petitioner is lodged in judicial custody. The counsel for the petitioner apprised the Court that earlier the petitioner was involved in two other criminal cases but the same have already been disposed by the courts concerned. Further co-accused Inderjit was granted regular bail by the court of Additional Sessions Judge vide order, Annexure P-8. Admittedly, the petitioner is a senior citizen and it will take time for conclusion of trial. So, no purpose is going to be served by keeping the petitioner behind the bars.

Thus, without commenting upon the merits of case, the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

06.05.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No