

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 3rd August, 2022

(1) CRM-M-20353 of 2022

Bhupender Singh alias Gaggi

Petitioner

Versus

State of Haryana

Respondent

(2) CRM-M-26790 of 2022

Anil @ Lalli

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vivek Khatri, Advocate for petitioner -Bhupender Singh.
Mr. Vikas Bishnoi, Advocate for petitioner-Anil @ Lalli.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

These two petitions are filed seeking regular bail in FiR No. 124 dated 3.3.2022, under Sections 21-B and 27-A of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station Civil Lines Hisar.

As per the case set up, on 3.3.2022 the police party on a secret information apprehended Anil (petitioner in CRM-M-26790 of 2022) and 30.17 grams of Heroin was recovered from his conscious possession. In his disclosure, he named Bhupender Singh @ Gaggi (petitioner in CRM-M-20353 of 2022) as seller of the recovered contraband.

Learned counsel for petitioner-Anil submits that the petitioner is in custody since 3.3.2022, investigation is complete, recovery is of non-

commercial quantity and he has been named due to his involvement in other cases.

Learned counsel for petitioner-Bhupender submits that no contraband was recovered from him or at his instance, it is a case of false implication due to his involvement in four more cases.

Learned counsel for the State opposes the prayer for grant of bail. She submits that petitioner-Anil is a habitual offender and is involved in other FIRs. She further submits that similarly petitioner-Bhupender is involved in four more cases, two cases under the Act.

Without commenting on the merits of the cse, considering that recovery from petitioner-Anil was of non-commercial quantity, name of petitioner-Bhupender Singh surfaced in a disclosure statement, no contraband was recovered either from him or at his instance, though the investigation is complete, conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

3rd August, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |