

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-29595-2022 (O & M)****Date of decision: 18.07.2022**

Sompal

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shokeen Singh Verma, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.185 dated 16.05.2022 under Section 15 of the NDPS Act, 1985 registered with Police Station Sadar Jhajjar, District Jhajjar.

2. The brief facts of the case are that when the police party was on patrolling duty, an information was received that Sombir son of Karan Singh and Sompal son of Vijaypal (the present petitioner) were engaged in the business of selling poppy straw and the truck bearing No.HR-63B-6274 containing poppy straw shall be coming from the side of Rewari and will go from Jhajjar to Rohtak. If a *nakabandi* was done, the accused can be nabbed with the contraband. Based on the said information, a *nakabandi* was done and a recovery of 11.740 kgs. of poppy straw was effected from the truck bearing No. .HR-63B-6274 in which Sompal (the present petitioner) and Sombir were travelling.

3. The learned counsel for the petitioner submits that the petitioner

has been falsely implicated in the present case and no independent witness

has been joined at the time of effecting the recovery. He contends that, in fact, his co-accused/Sombir had taken a lift from the petitioner from Chetorgarh, who had two bags with him and the petitioner did not know the contents of the said bags. Even otherwise, the recovery was of a non-commercial quantity of the poppy straw, the commercial quantity being 50 kgs. As the petitioner is in custody since 16.05.2022 and not involved in any other case, he deserves the concession of regular bail.

4. The learned counsel for the State did not deny the custody period of the petitioner and the fact that he is not involved in any other case.

5. I have heard the learned counsel for both the parties.

6. Admittedly, the recovery, in the present case, is of non-commercial quantity of contraband. The petitioner is first-time offender and has clean antecedents and even otherwise, he is in custody since 16.05.2022. The investigation, in the case, is pending and as all the witnesses are police officials, therefore, there is no question of the petitioner being able to tamper with the evidence in any manner.

7 In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sompal, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

The petitioner shall appear on first Monday of every month before the local police station and shall furnish an affidavit each time that he is not involved in any other case than the present one.

(JASJIT SINGH BEDI)
JUDGE

July 18, 2022

sukhpreet

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No