

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29148-2020 (O&M)
Date of decision: 04.04.2022

Sanjeev Kumar @ Sanjay

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.354 dated 14.07.2020 under Sections 15, 18, 27A, 29 of NDPS Act, registered at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner has referred to the order dated 15.12.2020, which reads as under: -

“...Briefly stated, the case of the prosecution is that on the basis of secret information on 14.07.2020 a truck was intercepted in which the coaccused of the petitioner namely Balwinder Kumar @ Binder and Kuldeep Singh @ Kala were found in possession of 75 kgs of poppy husk and 2.5 kgs of

opium. On interrogation Balwinder Kumar disclosed that petitioner had paid Rs.2.00 lakhs to get for him 1.5 kgs opium and on this basis the petitioner was nominated as an accused and arrested on 16.07.2020.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the only evidence against the petitioner is the disclosure statement of a co-accused which has no evidentiary value; even if the case of the prosecution is accepted at its face value, though vehemently denied, the only allegation against the petitioner is for purchase of 1.5 kgs of opium which is “non-commercial” quantity; report under Section 173 Cr.P.C. has been filed and therefore the petitioner is in no position to influence the investigation and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of regular bail to the petitioner on the ground that the petitioner is involved in purchase and sale of opium and he is already involved in another case under the NDPS Act lodged against him in the State of Rajasthan.

On one hand the petitioner has been arraigned as an accused on the disclosure statement of a co-accused for alleged

supply of noncommercial quantity of opium; report under Section 173 Cr.P.C. has been filed therefore the petitioner is in no position to influence the investigation; the petitioner's trial which is yet to commence is likely to take a long time to conclude due to Covid-19 pandemic for which the petitioner cannot be blamed and on the other hand the petitioner is allegedly involved in sale and purchase of opium and another case under the NDPS Act is pending against him in the State of Rajasthan.

After considering both the above aspects this Court is of the opinion that while adjourning the present petition to 22.04.2021 subject to the satisfaction of the CJM/Duty Magistrate, Kurukshetra, the petitioner be released on interim bail.”

Learned counsel submits that the petitioner could not avail interim bail, as in the meantime, he was taken on production warrants to Rajasthan, where another matter under NDPS Act, registered at Police Station Nimbahera Sadar, District Chittorgarh, is pending. Learned counsel has further referred to the order dated 07.02.2022 passed in S.B. Crl. Misc. Bail Application No.245/2022, vide which the petitioner has been granted the concession of regular bail by the High Court of Judicature for Rajasthan at Jodhpur.

Learned State counsel has filed the custody certificate dated 02.04.2022 in the Court today and has not disputed the factual position,

however, submitted that till date, charges have not been framed and 15 prosecution witnesses are yet to be examined.

As per the custody certificate, the petitioner is in custody for the last 01 year, 08 months and 14 days.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case and long custody of the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

04.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No