

CRM-M-36124 of 2021

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

CRM-M-36124 of 2021
Date of Decision: 24.08.2022

Amritpal @ Amrit

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. B.S. Jatana, Advocate, for the petitioner.
Mr. Viney Phogat, Deputy Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Status report dated 07.04.2022 by way of affidavit of Subhash Chander, Deputy Superintendent of Police (HQ), Fatehabad, on behalf of respondent-State, filed in Court today is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.133 dated 24.06.2021 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (Sections 27-A, 31 of the NDPS Act added lateron) at Police Station Sadar Rattia, District Fatehabad.

Brief facts of the case are that on 24.06.2021, a police party headed by ASI Parveen Kumar intercepted the petitioner on the basis of suspicion and recovered 11 kg 40 grams of poppy husk (kachra doda post) from him in the presence of Sukhwinder Singh, ADO, Ratia. The

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recovered contraband was taken into police possession in accordance with law. On interrogation, petitioner suffered disclosure statement of having purchased the recovered contraband from co-accused Jaggi son of Kala. On 13.07.2021 said co-accused Jaggi was joined in the investigation in compliance of order of this Court. During the course of investigation, petitioner was also found convicted and sentenced of imprisonment for a period of ten years and to pay a fine of ₹1,00,000/- by Special Court, Mansa, in case FIR No.59 dated 14.06.2014 registered under Sections 15/25/61/85 of the NDPS Act, at Police Station Bareta, District Mansa, Punjab and therefore, Section 31 of the NDPS Act was added in the present case.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Alleged recovery made from the petitioner is 11 kgs 40 grams of poppy husk, which is “below commercial quantity”. Petitioner was granted interim bail by a Co-ordinate Bench of this Court vide order dated 04.10.2021. The trial is likely to take a long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, the fact that alleged recovery of 11 kgs 40 grams of poppy husk from the petitioner is an intermediate quantity and he was granted interim bail by

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this Court, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and interim bail granted to petitioner-Amritpal @ Amrit vide order dated 04.10.2021 is made absolute subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

August 24, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No