

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 07.07.2022

1. CRM-M-51472-2021 (O&M)

Kailash Dhanker

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-29071-2021 (O&M)

Ranjeet Singh @ Sewak Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Shaveta Sanghi, Advocate
for the petitioner (in CRM-M-51472-2021).

Mr. Amit Choudhary, Advocate
for the petitioner (in CRM-M-29071-2021).

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-22957-2022 in CRM-M-29071-2021

For the reasons stated in the application, same is allowed and copy of the complaint given by the petitioner is taken on record as Annexure P-3.

CRM stands disposed of.

CRM-M-51472 & 29071-2021

Prayer in both these petitions is for grant of regular bail to petitioners Kailash Dhanker and Ranjeet Singh @ Sewak Singh, in FIR No.197 dated 07.06.2021 under Section 15/61/85 of NDPS Act, registered at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioners submit that as per allegations in the FIR, registered at the instance of ASI Sumit Kumar, while on patrol duty, a tractor was seen coming from the side of Fatehabad and driver of the tractor stopped the same. On inquiry, he disclosed his name as Karan Dhillon and the person sitting on the mud guard of the tractor disclosed his name as Ranjit Singh @ Sewak Singh. Thereafter, from search of water tank, attached to the tractor, 10 plastic bags of poppy straw containing 19 kg each i.e. total 190 kg was recovered.

Learned counsel for petitioner Ranjeet Singh @ Sewak Singh submits that the petitioner, who is resident of Village Panihari, District Sirsa, in fact, gave a complaint to the Deputy Commissioner, Sirsa with regard to illegal possession of various persons over the shamlat land of the village and in the

complaint, he stated that Sarpanch of his village and BDPO, Sirsa are not taking action in collusion with the illegal occupants. The application was marked to DDPO, Sirsa, who directed BDPO, Sirsa to take action on the complaint given by the petitioner. It is further submitted that in fact, the Gazetted Officer called at the spot in the present FIR is the same BDPO, against whom, the petitioner had given a complaint to the higher officers that he is not taking action against illegal occupants of the Gram Panchayat land and the elements of malafide is to be seen during course of the trial. It is also submitted that in the light of aforesaid facts and circumstances of the case, it will be a matter of trial whether Sections 42 & 50 of NDPS Act were properly complied with or not, as the Gazetted Officer Ravi Kumar, BDPO, Sirsa was called at the spot.

Learned counsel for petitioner Kailash Dhanker submits that the petitioner was nominated in the FIR on the basis of disclosure statement of co-accused, as supplier of the contraband, therefore, it will be a matter of trial whether disclosure statement of co-accused is admissible against the petitioner or not.

Learned State counsel has filed the custody certificates in the Court today and as per these custody certificates, both the petitioners are in custody for the last 01 year and 28 days and are not involved in any other case.

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 also in view of defence set up by the petitioners,

both these petitions are allowed and petitioners Kailash Dhanker and Ranjeet Singh @ Sewak Singh are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

A photocopy of this order be placed on the file of connected case.

[ARVIND SINGH SANGWAN]
JUDGE

07.07.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No