

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53022-2021
Date of Decision: 10.03.2022

Kuldeep

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jagjeet Beniwal, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.118 dated 04.05.2021, under Section 188 IPC and Sections 18, 29 of the NDPS Act, registered at Police Station Civil Lines, Rohtak, District Rohtak.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 04.05.2021 and as per the allegations contained in the FIR, they were only travelling in the truck which was stopped by the police and thereafter, there was a total recovery of 582 grams of opium from four persons and as per the allegation, there was a recovery of 142 grams of opium from the petitioner. Learned counsel further submitted that

firstly even considering the total quantity of recovery of 582 grams of opium, the same does not fall in the commercial quantity and secondly, the petitioner has clean antecedents and he is not involved in any other case and in fact, the present FIR has been planted upon the petitioner and investigation of the case is already complete and, therefore, he may be considered for the grant of regular bail. He further submitted that other similar situated co-accused who is parity with the petitioner namely Rajdev Singh has been granted regular bail by this Court on 17.01.2022 in CRM-M-1080-2022.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that so far as the custody of the petitioner is concerned, it is correct that the petitioner is in custody from 04.05.2021 and it is also correct that the alleged recovery of the total quantity was not falling under the category of commercial quantity and it is also correct that the petitioner is not involved in any other case. He further submitted that the other co-accused who is at party with the petitioner namely Rajdev Singh has been granted bail by this Court vide Annexure P-5.

I have heard the learned counsel for the parties.

The petitioner is in custody from 04.05.2021 and there is no other case against the petitioner and the alleged recovery from the four accused did not fall under the category of commercial quantity. The other similar situated co-accused has been granted bail by this Court. Furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from

justice.

Therefore, without commenting on the merits of the case and considering the totality of circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.03.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No