

NARENDER SINGH @ HAPPY

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok Giri, Advocate for the applicant/petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI,J. (ORAL)

CRM-15560-2023

1. This is an application for placing on record orders/judgments as Annexures P-3 to P-9.
2. CRM application is disposed of and Annexures P-3 to P-9 are taken on record, subject to all just exceptions.
3. Registry to tag the same at the appropriate place.

Main case

4. Custody certificate of the petitioner has been circulated today and the same is taken on record.
5. Narender Singh @ Happy-petitioner is seeking regular bail in the case bearing FIR No.512 dated 08.06.2020 under Section 21 (Section 29 added later on) of NDPS Act, registered at Police Station City Thanesar, District Kurukshetra.
6. Learned counsel for the petitioner contends that the FIR has been

RENU BALA registered in pursuance of recovery of 15 grams of heroin from the possession
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I attest to the accuracy and
integrity of this document

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of the co-accused, namely, Shiv Shankar Sharma. The petitioner has been nominated on the basis of the disclosure statement of the co-accused. Nothing has been recovered from the petitioner in the instant case and he is in custody for a period of 01 year, 04 months and 01 day. Till date, even charge has not been framed. Though, the petitioner is involved in other cases but he has either undergone sentence of imprisonment imposed upon him or the sentence has been suspended except in one case bearing FIR No. 850 of 2017, under Section 21 of NDPS Act, registered at Police Station City Thanesar, Kurukshetra wherein he has been sentenced to undergo imprisonment for a period of 02 years. It has also been submitted that in the said case, the recovery from the petitioner and the co-accused was to the extent of 10 grams of heroin. Though, the petitioner is involved in another case bearing FIR No.508 dated 07.06.2020, under Section 21 of NDPS Act, registered at Police Station City Thanesar, Kurukshetra but he has been granted regular bail in terms of order dated 27.03.2023 passed by the Co-ordinate Bench in CRM-M-11809-2023. Even, in the said case, 7.5 grams of heroin was recovered from the possession of co-accused and the petitioner was nominated on the basis of the disclosure statement. The recovery of contraband in the instant case falls in the category of less than commercial quantity.

7. Learned State counsel has opposed the bail application on the score that the petitioner is habitual offender and is involved in other cases. It has been further submitted that the co-accused, Shiv Shankar Sharma who has been released on regular bail is absconding which is causing delay in the trial.

8. Be that as it may, the two other cases under NDPS Act pertain to recovery which is slightly more than small quantity. Moreover, the petitioner has been granted bail in one of the cases under NDPS Act. In the event, the co-

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accused of the petitioner has absconded, it cannot be termed to be ground in the peculiar circumstances of the case to decline the bail to the petitioner merely on the apprehension that he may also abscond from the proceedings. It is significant to note that, in the instant case, 15 grams of heroin has been recovered from the possession of the co-accused. The petitioner has been nominated on the basis of the disclosure statement of the co-accused and nothing has been recovered from him. The quantity of contraband recovered from the possession of the co-accused falls in the category of less than commercial quantity. The petitioner is in custody for a period of 01 year, 04 months and 01 day. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

9. In these set of circumstances, the ends of justice will meet if the petitioner is extended the concession of bail.

10. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

11. The petition is allowed accordingly.

24.04.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No