

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

CRM-M-36686-2023

Date of Decision:11.09.2023

Daljit @ Preet

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nitish Sharma, Advocate and
 Mr. Deepinder Singh, Advocate
 for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.207 dated 26.07.2022 registered under Section 15 (C) of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Rajound, District Kaithal.

2. As per the case of the prosecution, the police party was present on 26.07.2022 and a secret information was received to the effect that Daljeet son of Jaswant Singh, Preet son of Daler Singh used to sell poppy husk and on that day, they were carrying huge quantity of poppy husk on their motorcycle. On getting this information, a barricade was set-up and a motorcycle was intercepted by the police party. Two persons were riding on the said motorcycle and had kept one plastic bag between them. When the motorcycle was stopped, the driver was apprehended by the police party at the spot, whereas, the pillion

rider succeeded in absconding by taking benefit of the darkness. On arrest, the driver of the motorcycle disclosed his name as Daljeet son of Jaswant Singh and 51 kg and 540 grams of poppy husk was recovered from him. As per the prosecution, the person, who had absconded from the spot, was Daljit @ Preet son of Daler Singh and he was ultimately arrested on 27.03.2023.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case only on the basis of the suspicion. As per him, Daljeet Singh son of Jaswant Singh, co-accused suffered a disclosure statement on 26.07.2022 and stated that he alongwith Daljit @ Preet, petitioner and Palvinder @ Goldy had indulged in the offence of carrying the contraband. However, later on Daljeet resiled from earlier statement and made another statement and disclosed the name of Jasbir @ Sunny as the supplier of the contraband, instead of the petitioner. Learned counsel for the petitioner further contends that again the disclosure statement of Daljeet son of Jaswant Singh was recorded and the petitioner has been nominated as an accused in the present case. He further contends that the petitioner was arrested in the present case on 27.03.2023 and the investigation is complete and the challan has been presented in the present case. He further contends that the charges have been ordered to be framed against the petitioner and the conclusion of the trial may take a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was named in the FIR and he had absconded from the spot, when his co-accused Daljeet was arrested by the police. Apart from that, three more FIRs

under various provisions of IPC have been registered against the present petitioner. However, she admits that in one case, the petitioner has been acquitted, whereas in the two other cases, he is on bail.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was not arrested at the spot and as per the case of the prosecution, he had fled on seeing the police party. Further, after the arrest of the petitioner, no recovery was effected from him and even the recovery of the contraband from his co-accused Daljeet was 'marginally above the commercial quantity'.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

11.09.2023
hemlata

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