

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(221)

CRM-M-41355-2023

Date of decision:- 10.10.2023.

Balwinder @ Binder

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Amit Singla, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG Haryana.

AVNEESH JHINGAN, J. (Oral)

1. This petition is filed seeking regular bail in FIR No.617 dated 27.12.2022 under Section 15-B (Section 27-A added lateron) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Tohana, District Fatehabad.

2. The brief facts of the case are that on 27.12.2022, Police party acting upon a secret information conducted a raid at the house of Rajpal and recovered 32 Kgs and 500 Grams of Poppy Husk. During investigation, the co-accused named the petitioner as the supplier of the recovered contraband.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 15.04.2023 and it is a case of false implication. The petitioner was named on the basis of disclosure statement which has no evidenciary value. It is further submitted that the no recovery is to be made and the investigation is complete.

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4. Learned State counsel on instructions, opposes the prayer and submits that petitioner was specifically named by the co-accused and another case under NDPS Act, is pending against the petitioner.

5. Without commenting upon the merits of the case, considering the fact that no recovery was made from the petitioner or at his instance, the recovery made from the house of co-accused was of non-commercial quantity, conclusion of trial is likely to take time and that no useful purpose would be served by depriving the petitioner of his personal

liberty, he is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. Since the main case has been allowed, pending application if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

10th October, 2023
spn

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