

S. No.217

2024:PHHC:064889

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

CRM-M-13169 of 2024 (O&M)

Date of Decision:09.05.2024

Raghubir Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.S. Barnala, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.178 dated 04.04.2023 registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Parao, Ambala Cantt. District Ambala.

As per the prosecution allegations, 04 kg of opium was recovered from Vitara Breeza Car which was being driven by co-accused Baljinder Singh alias Lucky, in which petitioner – Raghubir Singh was a passenger.

Learned counsel contends that the petitioner has been falsely implicated; that co-accused Baljinder Singh alias Lucky was allowed bail by this Court vide order dated 21.02.2024 passed in CRM-M-58627 of 2023 (Annexure P.4) after observing that incomplete challan had been filed in the Court, without the receipt of the CFSL report. Learned counsel contends that the petitioner is already in custody for the last more than one year and that the trial is likely to take long time to conclude.

Learned State Counsel opposes the bail petition by pointing towards the fact that the recovered quantity of contraband falls in the commercial category.

Learned State Counsel also informs that after completion of investigation, challan has already been filed and case is now fixed before trial Court for 04.06.2024.

Learned State counsel also opposes the petition on the ground that the petitioner is a previous convict in the NDPS matter.

Heard.

As per the custody certificate placed on record, the petitioner is in custody for the last 01 year and 27 days. He is under-trial in case FIR No.262 dated 27.06.2018 registered under Sections 109, 272, 273 and 420 IPC at Police Station City Barnala. The custody certificate also reveals that the petitioner is a previous convict in case FIR No.18 of 2007 dated 09.04.2007 registered under Sectiona 18 (Act No.61 of 1985) of the NDPS Act at Police Station Sehna, Barnala in which he was sentenced for imprisonment for a period of six months and fine of ₹500/- and then he was released on bail vide order dated 17.07.2009. Thus, the conviction was recorded in the matter pertaining to 2007 in which he was released on bail wayback in July, 2009. Similarly placed co-accused has already been allowed bail. Trial may take time to conclude.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

May 09, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No