



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-42679-2024 (O&M)
Date of Decision: 5.9.2024

Rajesh Kumar @ Dara Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Keshav Pratap Singh, Advocate and
Mr. Rajat Singh, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
209	20.8.2023	Nathu Sarai Chopta, District Sirsa	15C/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information to the effect that four persons namely Krishan Fagedia, Jaiveer @ Jaibir, Dara Singh Machra and Surender @ Dholu had concealed 400 kilograms of ‘*poppy husk*’ in rooms constructed behind Government School of Village Rupana. Pursuant to receipt of said information, a raid was conducted at the nominated place i.e. behind Government School, Village Rupana and 400 kilograms of ‘*poppy*



husk’ was recovered. However, none of the accused was arrested from the spot. It is further the case of prosecution that after about 9 months of lodging of the FIR, the petitioner, who is also known by the name of Dara Singh, was apprehended by the police from his village.

3. Learned counsel for the petitioner submitted that the petitioner’s name Rajesh Kumar does not find anywhere mentioned in the FIR and that he is sought to be nominated on the premises that he is also known by the name of Dara Singh. Learned counsel for the petitioner further submitted that, in any case, neither the petitioner was found or arrested at the spot nor any recovery was effected from him when he came to be arrested after about 9 months of lodging of the FIR and that, under these circumstances, there is nothing on record except the alleged secret information to connect him with the alleged recovery of 400 kilograms of *‘poppy husk*’.
4. Opposing the petition learned State counsel submitted that the petitioner is a habitual offender having been involved in 9 cases out of which 7 cases were registered for offence under Excise Act, 1 case was registered under Gambling Act and 1 case was registered under Indian Penal Code. Learned State counsel has, however, informed that the petitioner as on date has been has been behind bars since the last about 3 months and 22 days and that no PW has been examined so far.
5. This Court has considered rival submissions addressed before this Court.
6. Admittedly, neither the petitioner was found or arrested at the spot from where the recovery was effected nor any recovery was effected from him when he was apprehended by the police after about 9 months of lodging of



CRM-M-42679-2024 (O&M) (3)

the FIR. The petitioner is not stated to be involved in any other case under NDPS Act. The Trial has not even commenced till date. Under these circumstances, it goes without saying that conclusion of trial is likely to consume time.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.9.2024

Pankaj

(Gurvinder Singh Gill)
Judge

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