

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239 CRM-M-61015-2023
Date of Decision.:31.01.2024

Rajinder YadavPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Himani Anand, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Reply by way of an affidavit of Shri Randhir Singh, HPS, DSP Shahabad, District Kurukshetra along with custody certificate has been filed on behalf of respondent- State.

2. The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.134 dated 02.03.2023 registered under Sections 15 & 18 of NDPS Act (Sections 27-A & 29 of NDPS Act added later on) registered at Police Station Shahabad, District Kurukshetra.
3. As per allegations, 6.5 kg of opium and 10 kg of poppy husk were recovered on 02.03.2023 from co-accused Deepak Kumar.
4. Further allegations are that Harvinder Singh, Baldev Singh & Manpreet Singh were to receive the delivery of the contraband. The role attributed to the petitioner is that he had supplied the contraband to Deepak Kumar.

5. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that co-accused Harvinder Singh and Baldev Singh have already been allowed bail by this Court vide orders Annexure P-4 & Annexure P-5; that petitioner is in custody for the last more than 10 months, with no other criminal case pending against him; that trial may take long time to conclude and so, he be allowed bail.

6. Custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 10 months and 15 days. Petitioner has no other criminal case pending against him.

7. However, learned State counsel has opposed the bail petition on the ground that recovered quantity falls in the commercial category. Learned State counsel has also drawn attention towards the status report so as to submit that as per the call detail records, petitioner was found to be in regular touch with Harvinder Singh.

8. Co-accused Harvinder Singh has been allowed bail vide order dated 03.11.2023 passed in CRM-M-42907-2023; another co-accused Baldev Singh has been allowed bail vide order dated 31.07.2023 passed in CRM-M-20566-2023.

9. No recovery was effected from the petitioner. Petitioner is not involved in any other case. He is already in custody for the last more than 10 months. It is also informed by learned State counsel that though the charges have been framed but only 01 witness has been examined so far out of 14 witnesses cited by the prosecution and thus trial is likely to take long time to conclude.

10. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

January 31, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No