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Darpan @ Choka Vs. State of Haryana

HRPK-01-00-4143-2022



Presented on : 07.11.2022
Registered on : 07.11.2022
Decided on : **15.11.2022**
Duration : 0 year, 0 month, 08 days

**IN THE COURT OF
Additional Sessions Judge
at Panchkula.
(Presided Over by Sunil Kumar-II)
UID No.HR-0233**

BA/1401/2022

Darpan @ Choka, aged 28 years S/o Sh. Sanjeet R/o House No.393, Gate No.3, Village-Kharak Mangoli, Old Panchkula, Haryana, presently residing at Flat No.821, 8th Floor, F-Block, GH-2, Nada Sahib, Sector-31, District-Panchkula, Haryana.

	VERSUS	Applicant/Accused.
State of Haryana.		Respondent.

FIR No.491 dated 01.10.2022
Under Sections-21/29 of NDPS Act,1985.
Police Station: Chandimandir.

BAIL APPLICATION UNDER SECTION- 439 OF Cr.P.C.

Present: Sh. Deepak Kaushal, Advocate for the applicant/accused.
Sh. Rajbir Singh, Ld. Public Prosecutor.

ORDER:

The instant application for bail under Section- 439 of Cr.P.C. has been filed by the applicant/accused named above with the averments that he has been implicated falsely in the instant case. The applicant/accused was arrested on 01.10.2022 and he is in custody since then. Nothing is to be recovered from the applicant/accused. Submission of challan after

(Sunil Kumar-II)
ASJ, PKL 15.11.2022

completion of investigation and the trial would take time and no useful purpose would be served by keeping the applicant/accused behind the bars. There is no reasonable likelihood of his absconding. The applicant/accused undertakes to abide by all the conditions that may be imposed by the Court while granting the bail. The applicant/accused undertakes not to misuse the concession of bail. Regular bail has been granted to co-accused Rajat by this court. The applicant/accused undertakes to appear before the Court on each and every date of hearing. No similar application for bail has been filed by the applicant/accused before any Court. It is on the above grounds that the applicant/accused has prayed for regular bail under Section-439 of Cr.P.C.

2. On notice of the bail application, reply to the same through the learned Public Prosecutor has been filed. In the reply, it is stated that on the basis of secret information on 01.10.2022, accused Darpan @ Chowka was apprehended and he was found in possession of Heroin weighing 100 gm 41 mg without any permit or license to keep the same. Said narcotic substance was taken into police custody by converting the same into parcel. Accused Darpan @ Chowka along with the recovered Heroin was produced before the Court concerned and inventory of the recovered substance was prepared by the Court. Samples of the recovered quantity were taken and same were forwarded for examination to the FSL, Madhuban. Accused Darpan @ Chowka disclosed that the supplier of Heroin was the accused Rajat. Resultantly, the accused Rajat was duly arrested on 03.10.2022 and his confessional statement was recorded. The car bearing registration No. DL-

3CBV-6937 Jetta (Volkswagen) used in the commission of offence was taken into police custody. Section-29 of the NDPS Act, 1985 was added to the instant FIR. The accused Rajat disclosed that in September, 2022, he purchased Heroin weighing 150 gm from Parveen Kumar son of Prashan Kumar, resident of Topkhana Bazaar, Ambala Cantt. Said Parveen Kumar was granted interim anticipatory bail by this court vide the order dated 28.10.2022 and he was joined in the investigation on 09.11.2022 and 10.11.2022. On perusal of the CDR, it discerned that the applicant/accused talked to co-accused Rajat several times over mobile phone. The FIR No.567 dated 06.11.2020 under Section-20 of the NDPS Act,1985 P.S. Sector-5, Panchkula is also registered against the applicant/accused. If released on bail, the applicant/accused may again involve in the sale and purchase of the Heroin. The applicant/accused may also jump the bail. No other application for bail filed by the applicant/accused is pending in any other court. It is on the above grounds that the application for bail is sought to be dismissed.

3. I have gone through the contents of the bail application as well as the reply filed to the same. Arguments led by the learned counsel for the applicant/accused as well as the learned Public Prosecutor have been heard at length by me.

4. The applicant/accused is in custody since 01.10.2022. There is no reasonable likelihood of the applicant/accused escaping from the process of law. The applicant/accused Darpan @ Chowka was allegedly found in possession of Heroin weighing 100 gm 41 mg. The alleged quantity of

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Heroin i.e 100 gm 41 milligram falls under the intermediate quantity because the commercial quantity as per Notification dated 19.10.2001 is 250 gm so far as the Heroin is concerned. Completion of investigation and thereafter the trial would take time. In the above circumstances, it would not be justiciable to keep the applicant/accused behind bars any longer.

5. For the reasons recorded above, the application for bail under Section-439 of Cr.P.C. filed by the applicant/accused Darpan @ Choka is allowed and he is admitted to bail subject to furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of this Court. Requisite personal bond and surety bond are not furnished. The papers are ordered to be tagged with the Remand Papers pending in this Court.

Dated : 15.11.2022

(Rajwinder)

(Sunil Kumar-II),
Additional Sessions Judge,
Panchkula. (UID : HR0233)

Note: Each of the -4- pages of this order has been checked and signed by me.

(Sunil Kumar-II),
Additional Sessions Judge,
Panchkula.

(Sunil Kumar-II)
ASJ, PKL 15.11.2022