

CRM-M-36370-2017

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

CRM-M-36370-2017

Date of Decision: 15th March, 2018

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sandeep Kotla, Advocate and
Mr. Vinod Kumar, Advocate
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.72, dated 18.05.2017, registered at Police Station Ding, District Sirsa, under Sections 21, 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

Counsel contends that 27 grams of heroin has been alleged to have been recovered from the petitioner, which is less than the commercial quantity as commercial quantity is 250 grams or more. The petitioner was arrested in this case on 18.05.2017 and since then, he is in custody. He further contends that the co-accused of the petitioner, namely, Gurpreet Singh has been granted the concession of regular bail by this Court vide order dated 23.03.2018 passed in CRM-M-712-2018, titled as 'Gurpreet Singh Vs. State of Haryana'. He also contends that the challan has already

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been presented before the trial Court but charges have yet not been framed and therefore, the trial will take long time. He, thus, prays for grant of concession of regular bail to the petitioner.

Counsel for the State, on instructions from SI Gopala Ram, Police Station Ding, District Sirsa, contends that this is not the sole case against the petitioner, there is another case registered against him under the NDPS Act, to which the counsel for the petitioner states that the same has been registered against him during the period he was in custody. Apart from this, counsel for the State further contends that there are other cases also against the petitioner but has categorically stated that there is no other case of NDPS Act.

Keeping in view the fact that the recovery which has been effected from the petitioner is non-commercial and he is in custody for more than 9 months as also co-accused Gurpreet Singh has been granted bail by this Court, the present petition is allowed without expressing any opinion on the merits of the case. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(AUGUSTINE GEORGE MASIH)
JUDGE

15th March, 2018

Harish

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