

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

CRM-M-3742-2019 (O&M)
Date of Decision:- 1.2.2019

Parveen Kumar

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Priya Singhi, Advocate for the petitioner.

Mr. Rajiv Vij, Addl.P.P., U.T., Chandigarh.

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GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0318 dated 31.10.2018 at Police Station Sadar Mauli Jagran, Chandigarh under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The allegations, in nutshell, are that when Sub Inspector Sharminder Singh, Police Station Mauli Jagran, U.T., Chandigarh alongwith other police officials had laid a 'Naka' at backside of Sant Nirankari Bhawan, Mauli Jagran in connection with increasing incidents of theft and snatching, then at about 6:00 PM, he apprehended one person namely Parveen Kumar (petitioner) son of Bharampal carrying 36 grams of 'heroin' in his possession, without any licence and permit.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, the quantity of contraband recovered from the petitioner does not fall under the category of 'commercial quantity. The learned counsel for the

petitioner has submitted that the petitioner has been behind bars since the last more than three months and no longer required for any investigation.

Opposing the petition, the learned State counsel has submitted that since the petitioner has been specifically named in the FIR and recovery of 'heroin' has been effected from him, no case for grant of bail is made out. It has, however, been informed by learned State counsel that charges have been framed but no prosecution witness has been examined so far.

Having considered rival submissions addressed before this Court and while bearing in mind the fact that the petitioner has been behind bars since the last more than three months and not even a single prosecution witnesses is stated to have been examined so far, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Parveen Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to same, while on bail, the prosecution agency will be at liberty to seek the cancellation of order granting bail to the petitioner.

This present petition stands accepted accordingly.

1.2.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No