

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

CRM-M No. 40126 of 2019

Date of Decision:-24.09.2019

Vishal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gurdev singh Kuka, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 221 dated 22.7.2019, under Section 21 of NDPS Act, registered at Police Station civil Line Sirsa, District Sirsa. The petitioner is in custody since his arrest on 22.7.2019.

As per FIR, on 22.7.2019 police officials were present on patrolling duty when a secret information was received by ASI Dharam Chand regarding arrival of petitioner from Fatehabad along with smack. On this information, a raiding party was constituted and vehicles were checked. After some time, two persons were seen coming from Fatehabad side. After noticing police party ahead, they turned back and started walking briskly. However, on suspicion, both were apprehended. During enquiry a boy having poly pouch in his hand disclosed his name as Vishal (petitioner)

and the second boy disclosed his name Subhash alias Bhani. Search of pouch led to recovery of 42 grams heroin.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that 42 grams of heroin is alleged to have been recovered from the petitioner, which falls under non-commercial category. The petitioner is in custody 22.7.2019. It is further pleaded that the investigation of the case is complete and trial of the case is likely to take long time and no useful purpose will be served by keeping the petitioner behind the bars.

On the other hand, learned State counsel assisted by ASI Virender Singh opposed the bail application. However, it is not disputed that the investigation is almost complete and the challan is yet to be filed and quantity of recovered contraband falls under non-commercial category.

Considering the above background of the case and the quantity of contraband recovered, which falls under the non-commercial category, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Sirsa.

The petition is allowed.

September 24, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No