

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

**CRM-M No. 44638 of 2019
Date of Decision:-09.12.2019**

Sanjay

...Petitioner

Versus

Union Territory of Chandigarh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ankit Chowdhri, Advocate
for the petitioner.

Mr. Gautam Dutt, APP for UT Chandigarh.

MANOJ BAJAJ J.(Oral)

Petitioner-Sanjay has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 118 dated 05.8.2019, under Sections 21/22 of NDPS Act, registered at Police Station Maloya, Chandigarh. The petitioner is in custody since 05.8.2019.

As per prosecution story, the petitioner was arrested on 05.8.2019 alongwith contraband when the police party was on patrolling duty. On checking, the petitioner was found in his possession 08 injections (04 injections were Buprenorphine 2ML each and 04 injections of Pheniramine Maleate 10 ML each) and 10 grams of Heroin/smack without any permit or license.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery, whatsoever alleged to have been effected from the petitioner is non-commercial in nature. He submits that the investigation of the case is complete and trial is likely to consume some time and further custody of the petitioner may not be necessary.

On the other hand, learned State counsel, who is assisted by SI Ashwani Kumar, has opposed the prayer on the ground of seriousness of offence. However, he does not dispute that the recovery of contraband recovered from the petitioner is of non-commercial in nature.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Chandigarh.

The petition is allowed.

December 09, 2019

Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No