

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49468-2019

Date of Decision: 17.12.2019

Saurabh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amitabh Tewari, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.334 dated 03.08.2019 under Section 20 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station DLF, Phase-I, Gurugram. He is in custody since his arrest on 03.08.2019.

As per the case of the prosecution, on 03.08.2019, a secret information was received that accused Saurabh Damma, who was doing the business of selling intoxicant substance ganja, was standing at the corner on the road leading to Faridabad with huge quantity of ganja in black polythene carried by him. A nakka was laid and the accused was apprehended with 1 kg and 600 grams of ganja.

Learned counsel for the petitioner contends that recovery of 1 kg and 600 grams of ganja has been effected from the petitioner, which falls within the ambit of non-commercial quantity. He submits that the challan has already been filed and the trial of the case is likely to consume

some time, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Vijender, has opposed the prayer, however he does not dispute the fact that the alleged recovery falls within the ambit of non-commercial quantity.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Resultantly, 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 Gurugram.

The petition is allowed.

17.12.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No