

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4290-2020

Date of decision-05.02.2020

Pardeep

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aakash Dalal, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Pardeep has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.195 dated 20.06.2019 registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 483 of Indian Penal Code, 1860 at Police Station Jhajjar, District Jhajjar. The petitioner is in custody since his arrest on 20.06.2019.

As per the prosecution case, on 20.06.2019, when the Police party was on patrol duty, a secret information was received that Pardeep (petitioner) who used to deal in selling of intoxicant substance (ganja) would be coming from village Dhakla in his car for selling ganja. Acting upon the same, barricading was done and petitioner was apprehended. Upon search, a bag containing 22 kg ganja was recovered from the Ritz car

bearing No.HR-19-H-7564.

Learned counsel for the petitioner contends that the recovered contraband is marginally above the non-commercial quantity. He submits that the said weight includes the weight of the bag wherein the said contraband was stored. According to him, investigation of the case is complete and the final report has been filed on 05.09.2019, however, the charges are yet to be framed, and therefore, further custody of the petitioner may not be necessary. He prays for grant of regular bail. It is pointed out that the petitioner is not involved in any other case.

On the other hand, learned State counsel assisted by ASI Ramavtar opposed the prayer, however, it is not disputed that the weight of the contraband includes the weight of the bag also. It is also not disputed that petitioner is not involved in any other case.

After hearing learned counsel for the parties, this Court is of the opinion that trial is likely to consume considerable time, therefore, no useful purpose would be served by keeping the petitioners behind the bars as the investigation is over. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

05.02.2020

vanita

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