

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

**CRM-M-8105 of 2020
Date of Decision:-03.03.2020**

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Akshay Jain, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Rahul has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.482 dated 24.11.2019, under Sections 21(b) and 27(a) of NDPS Act, registered at Police Station Sadar, Fatehabad.

Learned counsel for the petitioner has argued that he has been wrongly implicated in the present case. Even otherwise from the bare perusal of the FIR the only allegation that he was found consuming 09 grams of heroin, which is non-commercial quantity. He has further submitted that the investigation in the present case has already been completed and the challan has also been presented, therefore, no useful purpose will be served by detaining the petitioner further in custody. He

has further submitted that the petitioner is in custody since 24.11.2019.

On being asked with regard to pendency of other cases against the petitioner, learned counsel for the petitioner has pointed out that out of total 09 cases against the petitioner, he has already been acquitted in four cases and out of remaining, two cases pertain to Sections 323, 341 and 506 IPC and in one under the NDPS Act, he has already been granted regular bail.

Per contra learned State counsel has contested the bail application on the ground that the matter pertains to NDPS Act in which petitioner was found consuming heroin and coupled with the fact that there are other cases against the petitioner. However, the custody period of the petitioner and the fact that the investigation in the case is already complete, are not disputed and the challan under Section 173 Cr.P.C. has already been presented in the competent Court.

I have heard learned counsel for the parties and perused the records carefully.

So far as the quantity of the heroin is concerned, it was only 09 grams, which is of non-commercial in nature but since the petitioner was found consuming the heroin, then this would certainly be a matter of concern. However, learned counsel for the petitioner has stated that he has been roped in the present case on the ground that earlier he was found involved in 09 other cases, out of which in four cases he has been acquitted, therefore he has been made a soft target and false FIR has been registered against him. However, all these questions are matter of evidence, which can be seen at the stage of evidence. At this stage, when the Court is

considering the question of bail, the other factors are also to be seen. It is not disputed that the petitioner is in custody since 24.11.2019 and investigation in this case is already complete. It is not the case of the State that the petitioner if enlarged on bail then he may tamper with the record or influence any witnesses or that he may repeat the offence.

Therefore, considering the totality of circumstances of the case, I deem it fit and appropriate to admit the petitioner on bail. Resultantly, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

March 03, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No