

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

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IN VIRTUAL COURT

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CRM-M No. 12733 of 2020 (O & M)
Date of decision : 9.7.2020

Saravjeet Singh **.....Petitioner**

Vs.

State of Haryana **.....Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. P.S. Sekhon, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 10934 of 2020 :

This is an application for seeking exemption from filing the court fee.

For the reasons mentioned in the application, the same is allowed.
The petitioner is granted exemption from filing the Court fee.

Main Case :

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 51 dated 13.3.2020, registered under Section 21B of NDPS Act, 1985 (Section 29 of NDPS Act added later on), at Police Station Sadar Ratia, District Fatehabad.

It is contended by the counsel for the petitioner that the case against the petitioner is false and baseless. It is further submitted that even as per the case of the prosecution, the alleged recovery from the petitioner is of 170 intoxicant tablets containing the prohibited substance tramadol. The total weight of the recovery is 69 grams only, which is much less than the

commercial quantity. The counsel has also pointed out that although the police has registered 2 more cases against the petitioner, however, he is on bail in both those cases. As on today, the petitioner is not in custody in any other case except the present one. The petitioner is in custody since 13.3.2020. Challan has already been filed and the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

Learned State counsel, on instructions from ASI Jatinder Singh, submits that the prohibited material has been recovered from the petitioner. Therefore, his complicity in the crime is directly established. The counsel has further pointed out that the petitioner is habitual of committing offences of drug trafficking. He is involved in two more cases of similar crime. However, it is not disputed that the alleged recovery from the petitioner is of non-commercial quantity and that the petitioner is on bail in the other two cases. It is also not disputed that the petitioner is in custody since 13.3.2020 and the evidence of the case has not even started.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

9.7.2020

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No