

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.212

CRM-M-17174-2020

Date of decision : 20.7.2020

Pardeep Kumar @ Deepa

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dheeraj Narula, Advocate, for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.160 dated 19.5.2019, registered at Police Station Rania, District Sirsa, under Section 21 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that although, the recovery is of commercial quantity of heroin, the petitioner was not in conscious possession thereof as he was sitting on the rear seat of the car. The recovery was effected from the dash board of the car and the petitioner is not the owner of the said car. Moreover, he has been in custody since 18.5.2019 and the trial is not likely to be concluded at an early date as out of a total 18 PWs, none has been examined till date. There is no other case under the NDPS Act, 1985 pending against him and thus, he may be released on regular bail.

Learned State counsel submits that the recovery was of 450 grams of heroin and the same is commercial quantity. Thus, the petitioner does not deserve to be grant of regular bail.

The rest of the contentions made by learned counsel for the petitioner have, however, not been denied.

From the above contentions, it is evident that the trial is not likely to be concluded at an early date. The petitioner has been in custody for more than one year and two months and there is no other case under the NDPS Act, 1985 pending against him. Thus, in view of his custody period as well as the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to grant regular bail to the petitioner without going into the issue whether the recovery made from the car can be said to be recovery from the conscious possession of the petitioner or not.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

20.7.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No