

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 22650 of 2020

Date of Decision: 19.8.2020

Mangal @ Mangi

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Amit Choudhary, Advocate
for the petitioner**

Mr. Rohit Arya, DAG, Haryana

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 106 dated 20.3.2020 registered at Police Station, Sadar Fatehabad, District Fatehabad for offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “the Act”).

Counsel for the petitioner would argue that alleged recovery of 20 grams of heroin falls within the scope of non-commercial quantity as commercial quantity starts from 250 grams. He would further argue that in respect of FIR No. 309 dated 6.8.2019 registered under Sections 22(b)/61/ 85 of the Act in the same police station, the petitioner was released on bail by the Additional Sessions Judge, Fatehabad, vide order dated 9.9.2019 and he never misused concession of bail. It is further argued that challan has been presented in the court but till date none of the witnesses has been examined.

Counsel representing State of Haryana has opposed the prayer for grant of bail with the submission that in addition to the instant case, two more criminal cases have been registered against the petitioner out of which one is FIR No. 309 dated 6.8.2019. He would further inform that a case under the Excise Act has also been registered against the petitioner, sufficient to indicate that he is in habit of indulging in such like crimes.

The alleged recovery of 20 grams of heroin is far below the scale of commercial quantity. The petitioner is on bail in other two criminal cases registered against him. There is no allegation that the petitioner ever misused concession of bail allowed in other cases. It is also not the plea that petitioner does not have a permanent place of stay and is likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial court/ Additional Sessions Judge (on duty), Fatehabad. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

(Rekha Mittal)
Judge

19.8.2020

PARAMJIT Whether speaking/reasoned : Yes
Whether reportable : Yes/No