

204

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

CRM-M-26509 of 2020 (O&M)

Date of decision: September 14, 2020

Aman @ Rajan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. D.P.S. Bajwa, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.141 dated 07.07.2020, under Sections 21(b), 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Garhi, District Jind.

As per prosecution case, on 06.07.2020, during a *nakabandi* between village Dhanori to Nepewala, police apprehended petitioner and 100 grams of Heroin, without any permit or licence, was recovered from him.

Contends that petitioner is in custody since 07.07.2020 and after investigation in the matter, report under Section 173 of Cr. P.C. has already been presented. Also contends that there is no other case pending against the petitioner.

The above factual position is duly acknowledged by the learned State counsel, on instructions from police official, but opposed the prayer of the petitioner.

Heard both sides and perused the paper-book.

Concededly after investigation in the matter, report under Section 173 of Cr. P.C. has already been presented and recovery, in this case, is alleged to be 100 grams of Heroin, i.e. less than commercial; thus, rigor of Section 37 of the NDPS Act would not be attracted. Since the investigation is already over and trial will take long time for final conclusion, therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case, there is any recurrence on the part of the petitioner, State would be at liberty to move an application for recalling of this order.

(MAHABIR SINGH SINDHU)
JUDGE

September 14, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No