

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

CRM-M-28169-2020(O&M)

Date of decision : 29.10.2020

Surender Pal @ Sunny

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Namit Khurana, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.518 dated 16.08.2020 under Sections 21, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

Learned counsel for the petitioner has contended that the alleged recovery was not made in the presence of any Gazetted Officer, but later on the formalities were completed in the absence of the petitioner. He has further contended that the alleged recovery from the petitioner is of 9 grams of heroin, which is less than commercial quantity. He has further contended that the petitioner is in custody since 16.08.2020.

Ms. Dimple Jain, AAG, Haryana, on instructions from ASI Dalbir Singh, has stated that in the present case, the part challan has been presented as the FSL report is awaited. She has further stated that the petitioner is not involved in any other case.

In view of the above and considering the fact that the quantity of alleged recovery effected is non-commercial in nature and the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

29.10.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO