

Sr.No.204

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

**CRM-M-28173-2020
Date of decision:21.09.2020**

Satbir @ Kurda

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Lalit Kumar Yadav, Advocate
for the petitioner.

Mr. Naveen K.Sheoran, AAG, Haryana.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed for seeking regular bail in FIR NO.125, dated 02.08.2020 for the offences punishable under Sections 20/61 of NDPS Act 1985, registered at Police Station Bond Kalan, District Charkhi Dadri.

Learned counsel for the petitioner has submitted that in the present case investigation is already complete and the challan has been filed. However, charges have not been framed. He has submitted that the petitioner has been wrongly roped in the present FIR on the basis of mere suspicion and he had no role to play in the alleged commission of crime if any. He has further submitted that he is in custody since 02.08.2020 and has submitted that even the alleged recovery from the petitioner was 170 gms of charas, which is much below the commercial quantity, provided in the schedule of the NDPS Act. He has submitted that the police has wrongly involved him in the present case in view of the fact that in one another other

case in which 122 gms of charas was implanted upon the petitioner on the basis of the disclosure statement therefore, petitioner has prayed for consideration of bail.

Learned State counsel has submitted that the recovery was made from the petitioner and since the matter pertains to NDPS Act, petitioner may not be considered for grant of bail. However, State has not disputed that in the present case investigation has already been completed and challan has already been filed. Petitioner is in custody since 02.08.2020. It is not disputed that the alleged recovery is of 170 gms of charas which is not a commercial quantity.

I have heard the learned counsel for the parties and perused the available record.

So far as the custody period is concerned and the completion of investigation in the present case is concerned, there is no dispute with regard to that. The alleged recovery admittedly was 170 gms of charas which is much below the commercial quantity as envisaged under the NDPS Act. So far as the pendency of other case of NDPS is concerned the same vide Annexure P-2, pertains to alleged recovery of 122 gms of charans and in that case according to learned counsel for the petitioner it was based upon the disclosure statement. The submission which the learned counsel for the petitioner has made is that in the present case, the petitioner was roped in only because of the pendency of the earlier NDPS Act to justify their own conduct.

However, at this stage, keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case,

this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

21st September, 2020
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>