

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

CRM-M No.30683 of 2020 (O&M)
DATE OF DECISION: 02.12.2020

Ghukkar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Yashpal Thakur, Advocate for the petitioner

Mr. Naveen Singh Panwar, Deputy Advocate General,
Haryana

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.164 dated 04.08.2020 under Sections 20/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) registered at Police Station Garhi, District Jind, Haryana.

Learned counsel for the petitioner would contend that the alleged recovery from the petitioner in the present case is 1 kg and 400 grams of *Ganja* which is non-commercial in nature, the commercial quantity being 20 kgs. and above. The learned counsel has further contended that there are two other cases pending against the petitioner, one under the NDPS Act in which he has been convicted to undergo 2½ years of imprisonment and the other case being FIR No.55 dated 12.05.2007 under the Excise Act in which he has already undergone the sentence.

A status report has been filed by way of affidavit of Tahir Hussain, Superintendent of Police, Narwana, District Jind wherein the facts, as stated by learned counsel for the petitioner, have been reiterated. It has further been stated that the challan stands presented.

The petitioner in the present case has been in custody since 04.08.2020. In one case under the Excise Act, the petitioner has already undergone the sentence and in another case under the NDPS Act i.e. FIR No.11 dated 20.01.2011, wherein the petitioner was convicted to undergo 2½ years of imprisonment, the order of sentence has already been suspended in appeal.

Keeping in view the fact that the recovery in the present case is non-commercial and the petitioner has been in custody since 04.08.2020, I deem this to be a fit case for grant of regular bail subject to the petitioner furnishing heavy surety bonds/bail bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

However, it shall always be open to the prosecution to apply for cancellation of bail if the petitioner is found misusing the concession of bail in any manner or is found involved in any other case of similar nature. Disposed off accordingly.

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

(ALKA SARIN)
JUDGE

02.12.2020
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NOTE:

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