

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM No. M-32569-2020

Date of Decision : 16.10.2020

TEK RAM

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Anirudh Singh Shehra, Advocate for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 127 dated 04.07.2020, under Section 20-61-85 of the NDPS Act, registered at Police Station DLF Phase-1, Gurugram.

Learned counsel for the petitioner argues that as per the allegations, 7 kgs. of Ganja which is a non-commercial quantity, has been recovered from the petitioner. Learned counsel for the petitioner submits that the allegations alleged in the FIR are totally incorrect and false and the petitioner has wrongly been roped in the present FIR. Learned counsel for the petitioner further submits that no further recovery is to be done from the petitioner and the challan has already been presented and as the trial is likely to take some time, petitioner be granted the benefit of regular bail.

Learned State counsel submits that though, the quantity of banned substance recovered from the petitioner is non-commercial, but still,

petitioner violated the provisions of the NDPS Act. Learned State counsel concedes that there are no other cases pending against the petitioner and the challan has already been presented.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the quantity of the banned substance recovered from the petitioner is non-commercial and there are no other cases pending against the petitioner and the challan has already been presented, no useful purpose will be served in keeping the petitioner behind the bars till the completion of the trial, which is likely to take some time before it finishes. Once, the petitioner has undertaken before this Court to maintain a good conduct while on bail, he has made out a case for the grant of regular bail.

The petitioner be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 16, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No