

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

CRM-M-33711-2020 (O&M)

Date of Decision:09.11.2020

Balvinder Singh

...Petitioner

Versus

State of Haryana

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr.S.K.Verma, Advocate for the petitioner.

Mr.Parveen Kumar Aggarwal, DAG, Haryana

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

CRM-27143-2020

The present application is for incorporation of Section 27-A/Section 31 of NDPS Act in the head note and prayer clause of the instant petition.

Application is allowed, as prayed for. Registry is directed to make necessary addition in the head note as well as the prayer clause of the petition.

Main case

Petitioner prays for grant of regular bail in FIR No.379 dated 05.08.2020 registered under Sections 15/20(b)/27-A/31/61 of the NDPS Act and Sections 25/54 of the Arms Act at Police Station Fatehabad, District Fatehabad.

As per the case of the prosecution, the present petitioner and co-accused namely Vinod Kumar were found in their conscious possession of 1.200 kg ganja. They were apprehended while travelling in a Maruti Swift Dzire Car, whereas co-accused Virender Singh and Hari Singh were also intercepted while travelling in Canter carrying 31 kg poppy husk.

Learned counsel for the petitioner submits that the present petitioner has been falsely implicated in the present FIR. He further submits that the petitioner is in custody since 05.08.2020. He also submits that the alleged recovery from the petitioner does not fall under commercial

quantity. Thus, he prays for grant of regular bail to the petitioner.

Learned counsel for the State opposes the prayer of the learned counsel for the petitioner and submits that the present application for grant of regular bail to the petitioner be dismissed, Though he does not dispute that the recovery effected from the petitioner is a non-commercial quantity.

I have heard the learned counsel for the parties and perused the case file.

The recovery effected from the petitioner is 1 kg and 200 gms of Ganja, which falls under non-commercial category. The petitioner is in custody since 05.08.2020. Other co-accused have already been granted the benefit of regular bail by the learned trial court vide orders dated 14.09.2020 and 28.09.2020 (Annexures P-2 & P-3) Further, the final report under Section 173 Cr.P.C. stands presented and no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time keeping in view the prevailing pandemic situation.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

The petition is allowed.

09.11.2020
mks

(SANT PARKASH)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether Reportable:	Yes / No