

222-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52789-2019
Date of decision-27.01.2020

Kunal @ Monti

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manish Verma, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Kunal @ Monti has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.0556 dated 21.08.2019 registered under Section 21 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 (a) NDPS Act, Section 14-A of Foreigner Act, 1946 and Section 12 (c) of Passport Act, 1967 added later on) at Police Station Hansi City, District Hansi, Hisar. The petitioner is in custody since his arrest on 21.08.2019.

As per the prosecution case, on 21.08.2019 when the police party was on patrol duty, a secret information was received that Nigerian person, namely, Usuah Godfrey Emeca being engaged in the work of selling heroin would be going to supply the same to two boys, namely, Kunal @ Monty and Ishan @ Ishu and upon raid all accused persons can be apprehended. After completion of formalities, Police acted upon this information and recovery of 300 grams heroin (100 gram each) was effected.

Learned counsel for the petitioner contends that the alleged recovered contraband falls in category of non-commercial quantity. According to him, challan stands filed and further custody of the petitioner is not necessary. He submits that petitioner is not involved in any other case.

On the other hand, learned State counsel assisted by HC Sandeep, opposed the prayer. However, it is not disputed that there is no other case against the petitioner.

After hearing learned counsel for the parties, this Court is of the opinion that trial is likely to consume considerable time, therefore, no useful purpose would be served by keeping the petitioner behind the bars, particularly when he is not involved in any other case, muchless of the similar nature. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

27.01.2020

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