

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

CRM-M-327-2021

Date of decision-28.04.2021

Virender @ Babla

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial, in case FIR No.1349 dated 28.12.2018 under Section 20 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Chandni Bagh, District Panipat.

As per the prosecution case, on 28.12.2018, 1 k.g. 500 grams of charas was recovered from the possession of the petitioner.

Learned counsel for the petitioner contends that the contraband (1k.g. 500 grams of charas) recovered from the petitioner is marginally above non-commercial quantity and as the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel on instructions from SI Surender has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. According to him,

the petitioner is involved in various other cases and in this regard learned State counsel has produced his custody certificate dated 28.04.2021 by way of affidavit of Joginder Singh Deswal, Deputy Superintendent, District Prison, Panipat. He submits that petitioner stands convicted for the offence punishable under Section 302 IPC in case FIR No.93 dated 29.04.2015 registered at Police Station Baroda, Sonipat and is presently serving life sentence.

After hearing the learned counsel for the parties, and considering the above background, this Court finds that apart from the present case, petitioner is convicted for the offence punishable under Section 302 IPC and is serving his sentence. During the course of hearing, it is not disputed by learned counsel for the petitioner that in the said case, sentence of the petitioner has not been suspended. As per prosecution, in this case, the petitioner was found in possession of commercial quantity of charas and further the custody certificate reveals that he is involved in various other cases as well.

Resultantly, at this stage, this Court is not inclined to extend the concession of regular bail to the petitioner.

Dismissed.

28.04.2021

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No