

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

(Sr. No.224)

CRM-M No. 1744 of 2021

Date of decision : 16.02.2021

Gaggu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Parvinder Singh Mehrok, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.520 dated 30.10.2020 under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Tohana, district Fatehabad.

The petitioner is sought to be prosecuted for having been found in possession of 206 grams of tramadol hydrochloride tablets.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case; he is in custody since 30.10.2020; there is no other criminal case in which he is involved; the alleged recovery is of 206 grams of tramadol hydrochloride tablets which is classified as “non-commercial” quantity; report under Section 173 Cr.P.C.

has already been filed and therefore the petitioner is not in a position to influence the investigation and that the trial which is yet to commence will take a long time to conclude

Learned State counsel opposes the grant of bail to him on the ground that the petitioner has been found in possession of 206 grams of tramadol hydrochloride tablets and if he is released on bail, he may indulge in similar offences.

The petitioner is in custody since 30.10.2020; he is not involved in any other criminal case; the alleged recovery from the petitioner is of 206 grams tramadol hydrochloride tablets which is “non-commercial” quantity; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and the trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fatehabad the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

16.02.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No