

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

(Sr. No. 230)

**CRM-M No. 3398 of 2021
Date of decision : 19.04.2021**

Tankeshwar Dutt

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Parveen Sharma, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. A. G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 255 dated 12.06.2020 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Gannaur, district Sonipat.

The petitioner is being prosecuted for having been found in illegal possession of 1.100 kilograms of charas.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 13.06.2020; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; there are only official prosecution witnesses and therefore, the petitioner is also not in a position to influence the trial; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged recovery from the petitioner is

marginally above the prescribed “commercial quantity” of charas and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has been found in illegal possession of 1.100 kilograms of charas and if he is released on bail he may indulge in similar offences.

The petitioner is in custody since 13.06.2020; there is no other criminal case in which he is involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; the alleged recovery from the petitioner is marginally above the prescribed “commercial quantity” and that the petitioner's trial which is yet to begin 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, Sonipat 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.

19.04.2021
sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No