

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.5951 of 2021
Date of Decision: September 30, 2021

Naresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Rohit Mittal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.460 dated 11.09.2020, under Section 20 N.D.P.S.Act, 1985, registered at Police Station, City Mahendergarh, District Mahendergarh, who is in custody since his arrest on 11.09.2020.

As per the FIR, on 11.09.2020, on receipt of a secret information, the police party raided the residential house of the accused and 2.400 Kgs.Ganja Patti was recovered.

Learned counsel for the petitioner has argued that the recovered contraband (2.400 kgs. Ganja Patti) falls in the category of non-commercial quantity and as the investigation of the case is complete, so the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by P/SI Manoj Kumar on the ground that the petitioner is involved in three other cases relating to the offences punishable under Indian Penal Code. However, it is not disputed by him that the recovered quantity does not fall in commercial quantity and no prosecution witness has been examined so far out of total thirteen witnesses.

At this stage, learned counsel for the petitioner has drawn the attention of this court to the reply dated 24.04.2021 by way of affidavit of Kushal Singh, HPS, Deputy Superintendent of Police, Mahendergarh and submits that in all three cases, the petitioner stands acquitted.

After hearing the learned counsel for the parties, considering the above background and the custodial period of the petitioner, this court finds that the trial is yet to commence and as the recovered contraband falls in non-commercial quantity, therefore, the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 11.09.2020. Further, all the prosecution witnesses are the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/CJM/Duty Magistrate, Mahendergarh.

September 30, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No