

224

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

CRM-M-5947-2021

Date of Decision: 16.02.2021

Sandeep Kumar**.. Petitioner****Vs.****State of Haryana****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Dhruv Gupta, Advocate for the petitioner.
Kanwar Sanjiv Kumar, AAG, Haryana.

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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.601 dated 13.12.2020 registered under Section 21 NDPS Act, 1985 at Police Station Panchkula Sector-5, District Panchkula (Annexure P-1). The petitioner is in custody since his arrest on 15.12.2020.

The FIR was registered on the basis of secret information and the allegations noticed by the Addl. Sessions Judge, Panchkula in the order dated 11.01.2021, while declining the bail application of petitioner, read as under:

“On 13.12.2020 at around 02:40pm in pursuance of patrolling the complainant alongwith other police officials were present near Tau Devi Lal Stadium, Sector 3, Panchkula, Haryana wherein a boy on seeing the police party coming towards him, reversed and started walking briskly but was apprehended on suspicion, who on inquiry disclosed his name / particulars as Sh.Sandeep Kumar alias Ankit son of Sh. Mange Ram resident of village Mahmood Sidgul, PS Ranipur, District Haridwar, Uttrakhand, subsequently on search, ‘heroin net weighing 6 grams 30 miligrams’ (hereinafter referred as ‘contraband / Narcotic Drugs & Psychotropic Substance’) was discovered/recovered from the conscious possession of the aforementioned miscreant, thereafter despite opportunity he failed to produce the requisite licence or permit, constraining to move criminal law into motion.”

Learned counsel for the petitioner contends that the alleged contraband (6.3 grams heroin) recovered from the petitioner is marginally above the small quantity, defined under the Act and as the investigation of the case is complete, therefore, the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Desraj, has opposed the prayer on the ground that the petitioner is involved in one more case under Arms Act and, therefore, he does not deserve the concession of regular bail. He does not dispute the fact that the challan has been presented, but the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the final report was filed before the trial Court on 28.12.2020, however, the trial is yet to commence. The petitioner is presently confined in judicial custody after his arrest on 15.12.2020, therefore, further detention may not be necessary for any useful purpose, as the trial is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Panchkula.

The petition is allowed.

16.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No