

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

114 /2

**CRM-20567-2021 in/and
CRM-M-8294-2021
Date of Decision:26.07.2021**

Jai Pal

....Applicant/Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. D.S.Virk, Advocate for applicant/petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

CRM-20567-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 18.08.2021.

Notice of the application.

At the asking of Court, learned State counsel accepts notice of the application and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Jai Pal** in case FIR No.455 dated 09.10.2020 under Section 22 of NDPS Act, registered at Police Station Rania, District Sirsa.

Learned counsel for petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly 10 strips containing 100 capsules of *Tramadol Hydrochloride* weighing 64.40 grams were recovered from the conscious possession of petitioner, which falls under “non-commercial quantity”. He further submits that petitioner is in custody since 09.10.2020 and he is no more required by the Police for any investigation purpose. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 09.10.2020; that

petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since consequent trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Jai Pal** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Sirsa, as the case may be.

(LALIT BATRA)
JUDGE

26.07.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No