

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

202

CRM-M-25511 of 2021

Decided on : 06.10.2021

Hardeep

... Petitioner(s)

Versus

State of Haryana

... Respondent (s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. K.S. Godara, Advocate for the petitioner (s).

Mr. Rajneesh Chadwal, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., petitioner seeks regular bail in FIR No.191 dated 22.08.2019 under Sections 22-C of Narcotic Drugs & Psychotropic Substances Act No.61 of 1985, registered at Police Station Kalanwali, District Sirsa (Annexure P-1) and it is the 3rd petition.

The 1st petition was dismissed as withdrawn on 07.02.2020. The 2nd petition was dismissed on 04.11.2020 by keeping into account the fact that the petitioner was caught at the spot on the basis of secret information and that there was 4 other criminal cases pending against him.

Counsel for the petitioner has submitted that as per the custody certificate dated 15.09.2021 the petitioner has undergone 2 years 23 days of detention. Co-accused Charanjeet @ Charanjit @ Charna has already been released on regular bail on 27.04.2021 in CRM-M-9806-2021 by noting that charge had been framed on 26.04.2021 and the vehicle which had been driven by the present petitioner was in his name and that he had been arrested later.

Counsel for the State has opposed the bail application on account of fact that 5000 tablets (4.375 kgs.) of Tramadol Hydrochloride 100 mg., had

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been recovered and as per the FSL Report narcotic substance had been detected in the contraband. It is pointed out that now the case is fixed for prosecution evidence on 29.11.2021.

Counsel for the petitioner has further pointed out that in FIR No.19 dated 18.01.2015 the petitioner has been acquitted by the Additional Sessions Judge, Sirsa on 13.03.2020 under the provisions of Section 21/22/27-A of the NDPS Act. Acquittal was also recorded in FIR No.16/2015 which pertained to offences under IPC. It is submitted that there is no other case of NDPS pending against the petitioner and trial is likely to take considerable time.

Resultantly, keeping in view the facts that the petitioner has undergone 2 years and 1 month of detention and considerable time would be taken by the prosecution to conclude its evidence, the petitioner is entitled for the benefit of the bail as the disqualification as such of another case under NDPS no longer thus stands against him.

Accordingly, the present petition is allowed. The petitioner be released on regular bail, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa. However, a condition is put that in case the petitioner is found involved in any other case of NDPS during the pendency of the trial, it will be open to the State to file appropriate application for cancellation of the bail.

Disposed of.

October 06, 2021

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No