

204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
2021.06.11 17:54
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CRM-M-21638-2021

Date of Decision: 11.06.2021

PANKAJ

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Munish Beha, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

By this petition, the petitioner is seeking regular bail in case bearing FIR No. 106 dated 11.04.2021 registered under Section 21 of the Narcotics Drugs and Psychotropic Substances Act (for short the 'NDPS Act') and Section 14A of the Foreigners Act, 1946 at Police Station Safidon, District Jind.

As per the allegations of prosecution, on 11.04.2021, the petitioner was driving the motorcycle and co-accused, namely, Bindra @ Vikas was sitting on the pillion. No incriminating articles were recovered from the possession of the petitioner. However, 44 grams of heroin was recovered from the possession of the co-accused, namely, Bindra @ Vikas.

It has been contended by learned counsel for the petitioner that no contraband has been recovered from the possession of the petitioner, the quantity of contraband, alleged to have been recovered from the possession of the co-accused, even falls in the category of less than commercial

quantity. He further states that the petitioner is not involved in any other case. The FIR was initially registered under Section 21 of the NDPS Act only, there is nothing to suggest violation of any of the provision of Foreigners Act. The petitioner is resident of State of Haryana. The investigation of the case is complete and challan has already been presented in the Court.

Learned State counsel, on instruction from Inspector Sanjay Kumar, has not assailed the aforesaid facts, but has opposed the bail application on the score that the offences under the NDPS Act cannot be viewed lightly.

It is significant to note that no contraband has been recovered from the petitioner. The quantity of contraband recovered from the possession of the co-accused falls in the category of less than commercial quantity. There is nothing to suggest violation of any provision of Foreigners Act. The investigation of the case is complete, challan has already been presented in the Court and the conclusion of trial is likely to take some time on account of restricted hearing of the Courts due of Covid-19 Pandemic. As such, no fruitful purpose will be served by detaining the petitioner in further custody.

In these circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any expression on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate/Trial Court.

11.06.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No