

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23244-2021 (O&M)
Date of Decision:-25.10.2021

Tarun Sharma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjay Verma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rajesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.365 dated 19.12.2020 at Police Station Krishna Gate Thanesar, District Kurukshetra under Sections 21, 29-61-85 of Narcotic Drugs & Psychotropic Substances Act, wherein it is alleged that the petitioner was found in possession of 55 grams of 'heroin'.
2. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no independent witness to the alleged recovery and, in these circumstances, no credibility can be attached to the case of prosecution.

3. Opposing the petition, learned State counsel has submitted that the petitioner was duly extended an offer in terms of Section 50 of NDPS Act and that since the recovery has been effected by the police officials in discharge of their official duties, the same cannot be doubted as there is nothing to show that the police officials had any axe to grind against the petitioner so as to falsely implicate him. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 10 months and that he happens to be involved in 2 other cases under NDPS Act.
4. I have considered rival submissions addressed before this Court.
5. It is no doubt correct that specific allegations have been levelled against the petitioner as regards the recovery of 55 grams of 'heroin'. However, the said quantity would fall in the category of 'non-commercial' quantity. The petitioner has been behind bars for a substantial period of 10 months. The conclusion of trial is likely to consume time as the trial has not even commenced till date and no PW has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No