

CRM-M-24923-2021
Date of decision: 26.08.2021

Versus

quantity recovered from the petitioner would fall under the non-commercial quantity. It is further submitted that the petitioner is not involved in any other case under the NDPS Act and is in judicial custody for the last more than 08 months.

Learned counsel for the petitioner further submits that the Additional Sessions Judge, Sirsa has dismissed his bail of the petitioner only on the premise that he is involved in one FIR No.0124 dated 28.02.2014 under Section 392 of the IPC registered at Police Station Sadar, Fatehabad.

Learned counsel for the petitioner has placed on record the judgment dated 10.03.2017 passed in the aforesaid FIR by Judicial Magistrate 1st Class, Fatehabad vide which, the petitioner was acquitted in the said FIR.

Learned counsel for the petitioner further submits that the petitioner is not facing the prosecution in any other case. It is further submitted that the recovery would fall under the non-commercial quantity and certain moot points are involved which are to be decided during the course of trial.

Learned counsel for the petitioner further submits that the *challan* stands presented and charges were framed on 10.02.2021, however, till date no prosecution witness has been examined due to COVID-19 situation and it will take a long time in conclusion of the trial.

Learned State counsel has filed the custody certificate in Court and has not disputed the factual position and as per the custody certificate, petitioner is in judicial custody for about 08 months and 06 days and is involved in one more case under Section 392 of the IPC, however, he is on bail in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

26.08.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>