

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.25753 of 2021

Date of decision:16.07.2021

Ranjeet Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Amrita Nagpal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.133, dated 07.04.2020 registered for offence under Sections 21(b) and 22(b) of the NDPS Act, 1985, at Police Station Indri, District Karnal.

As per the version of the prosecution, FIR, Annexure P-1, was registered after the petitioner was searched on the basis of suspicion and was found to be carrying 400 capsules of intoxicating substance.

Counsel for the petitioner has contended that the contraband recovered from the petitioner contains salt Tramadol Hydrochloride and weighs 240 grams, which falls within the category of non-commercial quantity as per the Notification issued under the provisions of the NDPS Act. She submits that vide order dated 09.07.2020 passed by this Court in CRM-M-16326-2020, Annexure P-3, the petitioner was granted interim bail till the receipt of FSL report and on receipt of FSL Report in February, 2021, the petitioner surrendered before the trial court and is in

custody. She argues that the petitioner, who otherwise has a clean past is entitled to be released on bail as investigation qua him is complete.

Per contra, learned State counsel upon instructions from ASI Shamsher Singh, has not been able to dispute the antecedents of the petitioner. However, he submits that a substantial part of the prosecution evidence has been recorded and the trial is at a reasonably advanced stage. As per his instructions, challan was presented on 19.05.2020 and the charges were framed on 04.02.2021 and the next date before the trial court is 02.09.2021.

Having considered the arguments addressed by counsel for the parties and keeping in view the fact that the quantity recovered from the petitioner is non-commercial and he has clean antecedents, this Court is of the view that the petitioner is entitled to be released on bail. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.07.2021*sheetal***(SUVIR SEHGAL)****JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No