

CRM-M-26043-2021

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

CRM-M-26043-2021

Date of decision:08.09.2021

Anoop @ Rupa

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Copy of status report dated 04.09.2021, by way of affidavit of the Deputy Superintendent of Police, Fatehabad, District Fatehabad, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.326 dated 28.08.2020, registered at Police Station Sadar Fatehabad, District Fatehabad, under Sections 22 (c) and 27-A NDPS Act.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though recovery of intoxicant tablets allegedly effected from the petitioner falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 28.08.2020 and charges are yet to be framed. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature.

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On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery effected from the petitioner falls under the commercial quantity. However, he does not dispute the custody period of the petitioner and the stage of the case, as stated above by the learned counsel for the petitioner. The petitioner is involved in four other cases registered under the provisions of the Indian Penal Code.

I have heard the learned counsel for the parties.

Challan stands presented. Charges are yet to be framed. The petitioner has been in custody 28.08.2020. Trial is unlikely to conclude any time soon, especially due to Covid-19. There is no other case of a similar nature, registered against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

08.09.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No