

CRM-M-28801-2021

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

CRM-M-28801-2021

Date of decision: 28.07.2021

Suraj @ Golu

...Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sunil Toni, Advocate,
for the petitioner.

Mr. Abhinav Gupta, APP, U.T. Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Additional
Superintendent, Model Jail, Chandigarh, has been filed through e-mail.
Print out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case
bearing FIR No.146 dated 10.06.2021, registered at Police Station Sector
39, U.T. Chandigarh, under Section 21 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner
has falsely been implicated in the present case; that the recovery of 16 gram
heroin allegedly effected from him, falls under the non-commercial
quantity; that he has been in custody since 10.06.2021, and that the
petitioner is not involved in any other case, at least of a similar nature. On
this premise, learned counsel prays that the petitioner be released on bail.

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On the other hand, learned State counsel opposes the prayer made in the present petition. However, he does not dispute that the recovery effected in the present case, falls under the non-commercial quantity. He also submits that as would decipher from the custody certificate, the petitioner is also involved in three other cases.

As far as the involvement of the petitioner in three other cases, learned counsel for the petitioner submits that the petitioner stands acquitted therein.

I have heard the learned counsel for the parties.

Admittedly, the recovery allegedly effected from the petitioner falls under the non-commercial quantity. He is not involved in any other case, at least of a similar nature. He has been in custody since 10.06.2021. Trial is unlikely to conclude any time soon. 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.

28.07.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No