

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-28721-2021

Date of Decision : July 30, 2021

Ashwani Kumar @ Ashu

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laghuinder Singh Sekhon, Advocate, for the petitioner.

Ms. Shubhra Singh, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Persent petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.133 dated 14.06.2020 registered under Sections 21-B and 31 of the NDPS Act, 1985 at Police Station City Rattia, District Fatehabad.

Learned counsel for the petitioner submits that 20 grams of heroin was recovered from the petitioner, which is not commercial quantity. Learned counsel for the petitioner further submits that though there were other FIRs pending against him but those also relate to very small quantity.

Learned counsel for the petitioner contends that the petitioner himself is a victim of drug abuse and the banned substance, which has been recovered from him, was for his personal consumption and he is not a drug peddler.

Notice of motion.

Ms. Shubhra Singh, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes that the quantity recovered from the petitioner in this case is not commercial in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the pleadings, it has come before this Court that the petitioner was seeking permission to undergo rehabilitation within the jail premises. The recovery from the petitioner is of 20 grams of heroin. Though, the petitioner has stated that the same was for the personal consumption but the said fact will only be proved during the trial.

Keeping in view the facts and circumstances of this case that the recovery from the petitioner is not of commercial quantity but is much less than the commercial quantity and this Court has been assured by learned counsel for the petitioner that the petitioner intends to rehabilitate himself from the drug addiction and also the fact that petitioner is behind the bars since 14.06.2020 and trial is likely to take some time before it concludes, the petitioner has made out a case for the grant of regular bail.

Prayer of the petitioner for the grant of regular bail is accepted.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 30, 2021*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No