

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30512-2021 (O&M)
Date of Decision:-25.11.2021

Shiv Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman Chahar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.418 dated 21.12.2020 at Police Station Sadar, District Jhajjar, Haryana under Section 17 of Narcotic Drugs & Psychotropic Substances Act, wherein the allegations are broadly to the effect that he was found in possession of 131 grams of ‘*opium*’.
2. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that there is no concrete evidence to connect him with the alleged occurrence. It has further been submitted that, in any case, the recovered quantity would fall in the category of intermediate quantity and, as such, the petitioner, who has been behind

bars for a substantial period of about 11 months, deserves the concession of bail.

3. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red handed while in possession of contraband, he does not deserve to be released on bail. It has further been informed that the petitioner was earlier involved in two cases under NDPS Act and although he stands acquitted in one of them, the other case is still pending apart from a case under Section 302 IPC. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 11 months. It has also been informed that although charges have been framed but till date not even a single PW out of the cited 13 witnesses has been examined.
4. I have considered rival submissions addressed before this Court.
5. It is not disputed that it is a case of recovery of 'non-commercial' quantity. The petitioner has been behind bars for a substantial period of 11 months. Conclusion of trial is likely to consume time as not even a single PW out of the cited 13 witnesses has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No