

**221 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-32105 of 2021

Date of Decision :August 13, 2021

Raju

.... Petitioner

vs

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rajinder Pal Saini, Advocate for
Ms. Monika, Gupta, Advocate for the petitioner.

Mr. Bhupdender Singh, DAG, Haryana.

SUDIP AHLUWALIA, J. (Oral)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.158, dated 20.03.2021, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), at Police Station Sector 32/33, Karnal.

2. The Petitioner has remained in detention for more than five months, in this case, since 21.03.2021.

3. Challan against the Petitioner has already been submitted after completion of investigation.

4. Recovery allegedly effected from the petitioner was non-commercial and just marginally above the small quantity of heroine (6.35 grams).

5. It has been contended by Ld. State Counsel that the petitioner is involved in two other cases under the Act.

6. Ld. Counsel for the petitioner draws the attention of the Court to the fact that in one of those two other cases, his client is already on bail and the allegations against him are identical each time inasmuch as recovery of contraband is either below or slightly exceeding the small quantity. Further, even the spot of such recovery effected in those cases also is identical as in the present case, and that the particular complainant (S.I. Rohtash), as well as other members of the patrolling party are also the same. Further, submits that even the Gazetted Officer, namely, Mr. Vikas Sigroha, XEN, PHED in both other F.I.Rs. is also the same.

7. Considering all the above aspects but more importantly the fact that the alleged recovery from the petitioner falls well below the commercial quantity, this Court is of the opinion that further detention of the petitioner, at this stage, is not called for since the investigation against him is complete.

As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

8. Disposed off.

August 13, 2021
sarita

(SUDIP AHLUWALIA)
JUDGE

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