

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(241)

CRM-M-36823-2021

Date of Decision : December 20, 2021

Vinay Kumar

.. Petitioner

Versus

State of U.T. Chandigarh

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohit Malik, Advocate, for the petitioner.

Mr. Akashdeep Singh, Addl. P.P., for U.T. Chandigarh.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.53 dated 01.06.2021 registered under Section 21 of the NDPS Act and Section 188 of the IPC, 1860 at Police Station I.T. Park, U.T. Chandigarh.

Learned counsel for the petitioner argues that the quantity of the contraband which has been recovered from the petitioner is only 20 grams, which is an intermediate quantity and as the investigation is already over and the challan has been presented, the petitioner may kindly be extended the benefit of regular bail as the trial is likely to take some time before it concludes and no useful purpose will be achieved in keeping the petitioner behind the bars especially when there are no other cases pending against the petitioner and the petitioner undertakes before this Court to maintain a good conduct while on bail, in case the prayer of the petitioner is

accepted.

Notice of motion.

Mr. Akashdeep Singh, learned Additional Public Prosecutor for U.T. Chandigarh, who is present in the Court, 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 the factum that the recovery from the petitioner is of intermediate quantity and there are no other cases pending against the petitioner and challan has already been presented after completion of the investigation.

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

Keeping in view the fact that the investigation is already over and the challan has been presented and quantity recovered from the petitioner is not commercial in nature so as to invite rigors of Section 37 of the NDPS Act coupled with the fact that the petitioner is behind the bars for the last six months, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial, which is likely to take some time before it concludes especially in view of the fact that the petitioner has undertaken before this Court that he will maintain good conduct while on bail.

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.

December 20, 2021

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No