

212

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

CRM-M-38107-2021

Date of decision: 09.11.2021

Dev @ Pintu

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.S. Hooda, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 813, dated 21st December, 2020, under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for brevity 'the Act'] registered at Police Station Palla, Faridabad.

[3] Brief facts of the case are that police party acting on a secret information that Dev @ Pintu (petitioner) is indulged in sale and purchase of intoxicating substances, apprehended him. From his bag, one polythene containing smack weighing 264 grams and one paper pouch containing smack weighing 38 grams were recovered. Recovery

of Rs. 48,220/- allegedly to be sale consideration of drugs was also effected from him.

[4] Mr. J.S. Hooda, learned counsel for the petitioner submits that petitioner is in custody since 21st December, 2020 and there is no headway in the trial.

[5] Ms. Geeta Sharma, Deputy Advocate General, Haryana submits that recovery effected from the petitioner is of commercial quantity. The challan stands presented but charges are yet to be framed. She submits that due to COVID-19 situation, the trial could not proceed at a decent pace.

[6] Mere custody period cannot be sole ground for grant of bail. Considering the stringent provisions of Section 37 of the Act and the fact that recovery is of commercial quantity, no case is made out for grant of regular bail.

[7] The petition is dismissed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[9] There is no doubt that in case a request is made before the trial Court for speedy trial, the same would be considered in accordance with law.

[AVNEESH JHINGAN]
JUDGE

9th November, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No