

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33684-2020
DECIDED ON: 11th JANUARY, 2021

AMIT @ DHANAK

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

AND

CRM-M-37257-2020

LALLAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Ms. Neeru Bansal, Advocate for the petitioner
in CRM-M-33684-2020.

Mr. K.L. Saini, Advocate for the petitioner
in CRM-M-37257-2020

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference
due to COVID-19 situation.

These are two petitions i.e. CRM-M-33684-2020 filed by
Amit @ Dhanak and CRM-M-37257-2020 filed by Lallan, for regular
bail in case of FIR No. 406, dated 30th August, 2020, under Section 20 of

registered at Police Station Kundli, District Sonapat.

The facts in brief are that on secret information a car bearing registration No. HR-26AQ-2682 was checked. The car was being driven by Amit @ Dhanak (petitioner in CRM-M-33684-2020). There were two other occupants. On checking, 16 Kgs of Ganja Patti each were recovered from the occupants of the car including the driver.

Learned counsel for the petitioners submit that petitioners are in custody since 30th August, 2020. Challan has been presented and no recovery is to be made. It is argued that 16 Kgs of Ganja Patti is a non-commercial quantity.

Learned State counsel opposes the grant of bail and argues that the petitioners were arrested from the spot. He further argues that Amit @ Dhanak was involved in two more case and Lallan was involved in six more cases. He submits that recovery as a whole was of 48 Kgs.

From the order passed by the court below it is clear that Amit @ Dhanak is acquitted in other two cases and a fine of ₹100/- was imposed in one case. Out of six cases Lallan is acquitted in five.

Considering the facts; that in the FIR specific recovery has been attributed to all the three accused of 16 Kgs of Ganja Patti each; they are in custody since August, 2020; no recovery is to be made; the individual recovery is of non-commercial quantity and conclusion of trial would take time, both the petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is clarified that anything stated hereinabove shall not be construed as an expression on the merits of the case and is only for the purpose of deciding the bail application.

11th JANUARY, 2021
sham

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>