

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.38330 of 2021
Date of Decision: September 21, 2021

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shranav Katyal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.181 dated 03.07.2021, under Section 20 N.D.P.S.Act, 1985, registered at Police Station, Sadar Bahadurgarh, District Jhajjar, who is in custody since his arrest on 03.07.2021.

As per the FIR, on 02.07.2021 when ASI Virender Kumar along with other police officials was on law and order duty at Nahra-Nahri Road, Kulasi turn Village Kanonda, a secret information was received by him that Rajesh and Yasin being involved in the trade of sulpha (charas) would go to Sonapat from Bahadurgarh in a white colour Wagon-R car bearing registration No.UP-14FT-5158, and if, the car is intercepted, they can be arrested along with the contraband. Acting upon the secret information, a team was constituted and barricading was done. When the car was found approaching on the highway, it was signalled to stop and two

persons were found sitting inside the car. Yasin was driving the car while Rajesh was sitting on the adjacent front seat. Upon search of the car, a white polythene bag containing 122 small packets of black coloured sulphur like rolls were found lying inside the car. The contraband was weighed at the spot and it was found to be 681 grams of charas. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the total weight of the contraband is 681 grams of charas (sulphur), therefore, it falls in the non-commercial quantity and as the investigation of the case is complete, so, the further custody of the petitioner may not be necessary. He submits that as the petitioner is not involved in any other case, much less of similar nature, he be released on regular bail.

On the other hand, learned State counsel, assisted by ASI Manoj, has not disputed this fact that the recovery made from the petitioner is non-commercial in nature. It is submitted by him that after completion of investigation, the challan has been presented and the case is fixed for 07.10.2021 for framing of charges before the trial court. He, on instructions, further submits that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the above background, this court finds that the trial is yet to commence and as the petitioner is not involved in any other case of similar nature, therefore, his further custody may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 03.07.2019. Further, all the prosecution witnesses are the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jhajjar.

September 21, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No