

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

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**CRM-40438-2021 in CRM-M-39686-2020
Date of Decision: 03.12.2021**

Dharmender

....Applicant/Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. S.S.Nain, Advocate for applicant/petitioner.

Mr. Amit Aggarwal, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

CRM-40438-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 14.01.2022.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Dharmender** for grant of regular bail in case FIR No.298 dated 30.07.2020 under Section 20 (b) (ii) B of NDPS Act, registered at Police Station Sector-5, Gurugram.

Reply dated 17.03.2021 by way of affidavit of Ashok Kumar, HPS, Assistant Commissioner of Police, Old Gurugram, already filed on behalf of respondent-State, is taken on record.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is concocted one and there is no iota of truth therein. He further submits that allegedly petitioner was found in conscious possession of contraband (*Ganja*) weighing 01 kilogram 515 grams-“non-commercial quantity” and (*Charas*) weighing 140 grams-“non-commercial quantity”, whereas he has no nexus whatsoever with the above said contraband. He further submits that petitioner is languishing in custody since 30.07.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 30.07.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Dharmender** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Gurugram, as the case may be.

(LALIT BATRA)
JUDGE

03.12.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No