

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

208

CRM-M-39738 of 2020

Date of decision : 12.02.2021

Dheeraj Kumar

... Petitioner

Versus

State of Haryana

.. Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr.Sandeep Kotla, Advocate
for the petitioner.

Mr.Karan Garg, AAG, Punjab.

H.S. Madaan, J. (Oral)

This petition for regular bail has been filed by petitioner Dheeraj Kumar, an accused in F.I.R. No. 533 dated 05.11.2020 under Section 20 of the NDPS Act, 1985, registered with Police Station City, Fatehabad, District Fatehabad

Briefly stated the facts of the case as per prosecution story are that on 05.11.2020, the petitioner along with his co accused Prem was found in possession of one kilogram one hundred thirty grams of 'Ganja' within the area of Police Station City, Fatehabad. Both the accused were arrested and formal FIR was registered.

On completion of investigation and other formalities, challan against the petitioner is said to have been filed in the court. It is stated to have been fixed at the stage of framing of charge. The petitioner had moved an application for regular bail before Special Judge, Fatehabad, however, that application was dismissed vide order dated 24.11.2020. Feeling aggrieved, he has approached this Court craving for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Recovery effected in this case amounts to non-commercial quantity, as such, bar of Section 37 of the NDPS Act does not come into play. Though the petitioner is stated to have been involved in about 5 cases under the Punjab Excise Act but in all those cases, he was not made to face trial, rather fine was imposed upon by DETC, Fatehabad which is said to have been paid. Conclusion of trial is likely to take considerable time. The guilt of the accused shall be determined during the trial.

Thus, without going into the merits of the case, I find that further detention of the petitioner is not going to serve any fruitful purpose therefore, the petition deserves to be accepted and it is hereby allowed. Petitioner Dheeraj Kumar is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Fatehabad subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.
- (vi) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

[H.S. MADAAN]
JUDGE

12.02.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No